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A COLLECTION

OF

THE ACTS

PASSED BY

THE GOVERNOR GENERAL OF INDIA IN COUNCIL

IN THE YEAR

1897.

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TITLES OF ACTS

PASSED BY

THE GOVERNOR GENERAL OF INDIA IN COUNCIL

IN THE YEAR 1897.

I. An Act to amend Act XXXVII of 1850 (*for regulating Inquiries into the behaviour of Public Servants*).

II. „ to amend the Criminal Tribes Act, 1871.

III. „ to provide for the better prevention of the spread of Dangerous Epidemic Disease.

IV. „ to provide for certain matters relating to Fisheries in British India.

V. „ to repeal certain obsolete enactments and to amend and facilitate the citation of certain other enactments.

VI. „ to amend the Negotiable Instruments Act, 1881.

VII. „ to amend the Indian Emigration Act, 1883.

VIII. „ to amend the law relating to Reformatory Schools and to make further provision for dealing with youthful offenders.

IX. „ to amend the law relating to Government and other Provident Funds.

X. „ to consolidate and extend the General Clauses Acts, 1868 and 1887.

XI. „ to facilitate the introduction as legal tender in Bhopal of current silver coin of the Government of India.

XII. „ to enable local authorities to borrow money for temporary emergencies.

XIII. „ to amend the Indian Stamp Act, 1879.

XIV. „ to facilitate the citation of certain Acts.

XV. „ to repeal the Cantonments Act Amendment Act, 1895, and to amend the Cantonments Act, 1889.

XVI. „ to amend the Oudh Courts Act, 1891.

ACT No. I OF 1897.

PASSED BY THE GOVERNOR GENERAL OF INDIA IN COUNCIL.

(*Received the assent of the Governor General on the 14th January, 1897.*)

An Act to amend Act XXXVII of 1850 (*for regulating Inquiries into the behaviour of Public Servants*).

WHEREAS it is expedient to amend Act XXXVII of 1850 (*for regulating Inquiries into the behaviour of Public Servants*); It is hereby enacted as follows:—

Title of Act XXXVII, 1850.

1. The said Act XXXVII of 1850 may be called the Public Servants (Inquiries) Act, 1850.

Amendment of preamble to Act XXXVII, 1850.

2. In the preamble to the said Act, after the word "removable" the words "from their appointments" shall be inserted, and for the words "the East India Company" the word "India" shall be substituted.

Amendment of section 2, Act XXXVII, 1850.

3. In section 2 of the said Act, for the words "the East India Company, not removable from his office without the sanction of the same Government," the words "the Government, not removable from his appointment without the sanction of the Government," shall be substituted.

Substitution of new section for section 23, Act XXXVII, 1850.

4. For section 23 of the said Act the following section shall be substituted, namely:—

Powers of Government under this Act by whom exercisable.

"23. The powers of the Government under this Act may in all cases be exercised by the Governor General in Council, and when the person accused can be removed from his appointment by the Local Government, those powers may also be exercised by the Local Government."

ACT No. II OF 1897.

PASSED BY THE GOVERNOR GENERAL OF INDIA IN COUNCIL.

(*Received the assent of the Governor General on the 28th January, 1897.*)

An Act to amend the Criminal Tribes' Act, 1871.

WHEREAS it is expedient to amend the Criminal Tribes' Act, 1871; It is hereby enacted as follows: XXVII of 1871.

Title and commencement.

1. (*1*) This Act may be called the Criminal Tribes' Act Amendment Act, 1897; and

(*2*) It shall come into force at once.

Addition of proviso to section 1, Act XXVII, 1871.

2. To section 1 of the Criminal Tribes' Act, 1871, the following proviso shall be added, namely:— XXVII of 1871.

"Provided that any Local Government, with the previous sanction of the Governor General in Council, may, by notification in the local official Gazette, declare all or any of the provisions of this Act, as amended by subsequent legislation, to be in force in the whole or any part of the territories under its government."

Addition of new section after section 1, Act XXVII, 1871.

3. After section 1 of the Criminal Tribes' Act, 1871, the following section shall be inserted, namely:— XXVII of 1871.

Definition of tribe, gang and class.

"1A. In this Act the words 'tribe,' 'gang' and 'class' shall be deemed to include any portion or members of a tribe, gang or class."

Addition of new section after section 17, Act XXVII, 1871.

4. After section 17 of the said Act the following section shall be added, namely:—

Power to place children

"17A. (*1*) The Local Government may establish and

and maintain reformatory settlements for children and may separate and remove from their parents and place in such a reformatory settlement the children of the registered members of any tribe, gang or class which has been declared to be criminal. in reformatory settlements established for children and to apprentice them.

(*2*) For every reformatory settlement for children established under sub-section (*1*) a Superintendent shall be appointed by the Local Government.

(*3*) The Superintendent of a reformatory settlement for children shall be deemed to be the guardian, within the meaning of Act No. XIX of 1850 (*concerning the binding of apprentices*), of every child detained in such settlement; and such Superintendent may, if he shall think fit, and subject to any rules which the Local Government may make in this behalf, apprentice such child under the provisions of the aforesaid Act.

"*Explanation.*—The term 'children' in this section includes all persons under the age of eighteen and above the age of four years."

5. For section 19 of the said Act the following section shall be substituted, namely :— Substitution of new section for section 19, Act XXVII, 1871.

"19. (*1*) Any person registered under this Act violating a rule made under clause (*4*), clause (*5*) or clause (*6*) of section 18 shall be punishable with rigorous imprisonment for a term which may extend, on a first conviction, to one year, on a second conviction, to two years, and, on any subsequent conviction, to three years, and shall also, whether on the first or any subsequent conviction, be liable to whipping. Penalties for breach of rules.

(*2*) Any person being a member of a proclaimed tribe violating a rule made under any other clause of section 18 shall be punishable with rigorous imprisonment for a term which may extend to six months, or with fine, or with whipping, or with all or any two of those punishments; and, on any subsequent conviction for a breach of any such rule, with rigorous

rigorous imprisonment for a term which may extend to one year, or with fine, or with whipping, or with all or any two of those punishments."

Addition of two new sections after section 19, Act XXVII, 1871.

6. After section 19 of the said Act the following sections shall be added, namely :—

Enhanced punishment for certain offences by members of criminal tribe after previous conviction.

"19A. Whoever, being a member of any tribe, gang or class which has been declared criminal, and having been convicted of any of the offences under the Indian Penal Code specified in the schedule to this Act, shall thereafter be convicted of the same or any other offence specified in the said schedule, then he shall, in the absence of special reasons to the contrary to be mentioned in the judgment of the Court, be punished, on such second conviction, with rigorous imprisonment for a term of not less than seven years, and on a third conviction with transportation for life. XLV of 1860.

Nothing in this section shall affect the liability of such person to any further or other punishment to which he may be liable under the Indian Penal Code or any other law.

Punishment for members of criminal tribe found under suspicious circumstances.

"19B. Whoever, being a registered member of any tribe, gang or class which has been declared criminal, is found in any place under such circumstances as to satisfy the Court that he was about to commit, or aid in the commission of, theft or robbery, or that he was waiting for an opportunity to commit theft or robbery, shall be punishable with rigorous imprisonment for a term which may extend to three years, and shall also be liable to fine."

Addition of schedule to Act XXVII of 1871.

7. To the said Act the schedule in the schedule to this Act shall be added.

SCHEDULE.

THE SCHEDULE.

(*See section 7.*)

THE SCHEDULE.

(*See section 19A.*)

CERTAIN OFFENCES PUNISHABLE UNDER CHAPTERS XVI AND XVII OF THE INDIAN PENAL CODE.

CHAPTER XVI.

SECTIONS.

299. Culpable homicide.
307. Attempt to murder.
308. Attempt to commit culpable homicide.
310. Thug.
322. Voluntarily causing grievous hurt.
324. Voluntarily causing hurt by dangerous weapons or means.
326. Voluntarily causing grievous hurt by dangerous weapons or means.
327. Voluntarily causing hurt to extort property or to constrain to an illegal act.
328. Causing hurt by means of poison, etc., with intent to commit an offence.
329. Voluntarily causing grievous hurt to extort property or to constrain to an illegal act.
332. Voluntarily causing hurt to deter public servant from his duty.
333. Voluntarily causing grievous hurt to deter public servant from his duty.

CHAPTER XVII.

382. Theft after preparation made for causing death, hurt or restraint, in order to the committing of the theft.
383. Extortion.
385. Putting person in fear of injury in order to commit extortion.
386. Extortion by putting a person in fear of death or grievous hurt.
387. Putting person in fear of death or of grievous hurt in order to commit extortion.
390. Robbery.
391. Dacoity.
393. Attempt to commit robbery.
394. Voluntarily causing hurt in committing robbery.
397. Robbery or dacoity, with attempt to cause death or grievous hurt.
398. Attempt to commit robbery or dacoity when armed with deadly weapon.
399. Making preparation to commit dacoity.
402. Assembling for purpose of committing dacoity.
458. Lurking house-trespass or house-breaking by night after preparation for hurt, assault or wrongful restraint.
459. Grievous hurt caused whilst committing lurking house-trespass or house-breaking.
460. All persons jointly concerned in lurking house-trespass or house-breaking by night punishable with death or grievous hurt caused by one of them.

ACT No. III OF 1897.

PASSED BY THE GOVERNOR GENERAL OF INDIA IN COUNCIL

(*Received the assent of the Governor General on the 4th February, 1897.*)

An Act to provide for the better prevention of the spread of Dangerous Epidemic Disease.

WHEREAS it is expedient to provide for the better prevention of the spread of dangerous epidemic disease; It is hereby enacted as follows:—

Short title, extent and commencement.

1. (*1*) This Act may be called the Epidemic Diseases Act, 1897.

(*2*) It extends to the whole of British India (inclusive of Upper Burma, British Baluchistan, the Santal Parganas and the Pargana of Spiti); and

(*3*) It shall come into force at once.

Power to take special measures and prescribe regulations as to dangerous epidemic disease.

2. (*1*) When at any time the Governor General in Council is satisfied that India or any part thereof is visited by, or threatened with, an outbreak of any dangerous epidemic disease, the Governor General in Council, if he thinks that the ordinary provisions of the law for the time being in force are insufficient for the purpose, may take or require or empower any person to take such measures and, by public notice, prescribe such temporary regulations to be observed by the public or by any person or class of persons as he shall deem necessary to prevent the outbreak of such disease or the spread thereof, and may determine in what manner and by whom any expenses incurred (including compensation if any) shall be defrayed.

(*2*) In particular and without prejudice to the generality of the foregoing provisions, the Governor General in Council may take measures and prescribe regulations for—

(*a*) the inspection of any ship or vessel leaving, or arriving at, any port in British India and such detention thereof, or of any person intending to sail therein or arriving thereby, as may be necessary; and

(*b*) the inspection of persons travelling by railway or otherwise and the segregation, in hospital, temporary accommodation or otherwise, of persons suspected by the inspecting officer of being infected with any such disease.

(*3*) The Governor General in Council may, by general or special order, direct that all or any of the powers conferred by this Act may also be exercised by any Local Government with respect to the territories administered by it.

Penalty.

3. Any person disobeying any regulation or order made under this Act shall be deemed to have committed an offence punishable under section 188 of the Indian Penal Code.

XLV of 1860.

Protection to persons acting under Act.

4. No suit or other legal proceeding shall lie against any person for anything done or in good faith intended to be done under this Act.

ACT No. IV OF 1897.

PASSED BY THE GOVERNOR GENERAL OF INDIA IN COUNCIL.

(*Received the assent of the Governor General on the 4th February, 1897.*)

An Act to provide for certain matters relating to Fisheries in British India.

WHEREAS it is expedient to provide for certain matters relating to fisheries in British India; It is hereby enacted as follows:—

Title, extent and commencement.

1. (*1*) This Act may be called the Indian Fisheries Act, 1897.

(*2*) It extends to the whole of British India, except Burma; and

(*3*) It shall come into force at once.

Act to be read as supplemental to other Fisheries Laws.

2. Subject to the provisions of sections 8 and 10 of the General Clauses Act, 1887, this Act shall be read as supplemental to any other enactment for the time being in force relating to fisheries in any part of British India except Burma. I of 1887.

Definitions.

3. In this Act, unless there is anything repugnant in the subject or context,—

(*1*) "fish" includes shell-fish:

(*2*) "fixed engine" means any net, cage, trap or other contrivance for taking fish, fixed in the soil or made stationary in any other way: and

(*3*) "private water" means water which is the exclusive property of any person, or in which any person has for the time being an exclusive right of fishery whether as owner, lessee or in any other capacity.

Explanation.—Water shall not cease to be "private water" within the meaning of this definition

by

by reason only that other persons may have by custom a right of fishery therein.

Destruction of fish by explosives in inland waters and on coasts.

4. (*1*) If any person uses any dynamite or other explosive substance in any water with intent thereby to catch or destroy any of the fish that may be therein, he shall be punishable with imprisonment for a term which may extend to two months, or with fine which may extend to two hundred rupees.

(*2*) In sub-section (*1*) the word "water" includes the sea within a distance of one marine league of the sea-coast: and an offence committed under that sub-section in such sea may be tried, punished and in all respects dealt with as if it had been committed on the land abutting on such coast.

Destruction of fish by poisoning of waters.

5. (*1*) If any person puts any poison, lime or noxious material into any water with intent thereby to catch or destroy any fish, he shall be punishable with imprisonment for a term which may extend to two months, or with fine which may extend to two hundred rupees.

(*2*) The Local Government may, by notification in the official Gazette, suspend the operation of this section in any specified area, and may in like manner modify or cancel any such notification.

Protection of fish in selected waters by rules of Local Government.

6. (*1*) The Local Government may make rules for the purposes hereinafter in this section mentioned, and may by a notification in the official Gazette apply all or any of such rules to such waters, not being private waters, as the Local Government may specify in the said notification.

(*2*) The Local Government may also, by a like notification, apply such rules or any of them to any private water with the consent in writing of the owner thereof and of all persons having for the time being any exclusive right of fishery therein.

(*3*) Such rules may prohibit or regulate all or any of the following matters, that is to say:—

(*a*) the erection and use of fixed engines;

(*b*) the

(*b*) the construction of weirs; and

(*c*) the dimension and kind of the nets to be used and the modes of using them.

(*4*) Such rules may also prohibit all fishing in any specified water for a period not exceeding two years.

(*5*) In making any rule under this section the Local Government may—

(*a*) direct that a breach of it shall be punishable with fine which may extend to one hundred rupees, and, when the breach is a continuing breach, with a further fine which may extend to ten rupees for every day after the date of the first conviction during which the breach is proved to have been persisted in; and

(*b*) provide for—

(i) the seizure, forfeiture and removal of fixed engines erected, or used, or nets used, in contravention of the rule, and

(ii) the forfeiture of any fish taken by means of any such fixed engine or net.

(*6*) The power to make rules under this section is subject to the condition that they shall be made after previous publication.

Arrest without warrant for offences under this Act.

7. (*1*) Any police-officer, or other person specially empowered by the Local Government in this behalf, either by name or as holding any office, for the time being, may, without an order from a Magistrate and without warrant, arrest any person committing in his view any offence punishable under section 4 or 5 or under any rule under section 6—

(*a*) if the name and address of the person are unknown to him, and

(*b*) if the person declines to give his name and address, or if there is reason to doubt the accuracy of the name and address if given.

(*2*) A

(2) A person arrested under this section may be detained until his name and address have been correctly ascertained:

Provided that no person so arrested shall be detained longer than may be necessary for bringing him before a Magistrate, except under the order of a Magistrate for his detention.

ACT No. V OF 1897.

PASSED BY THE GOVERNOR GENERAL OF INDIA IN COUNCIL.

(Received the assent of the Governor General on the 25th February, 1897.)

An Act to repeal certain obsolete enactments and to amend and facilitate the citation of certain other enactments.

WHEREAS it is expedient that certain enactments specified in the first schedule to this Act which are spent, or have ceased to be in force otherwise than by express specific repeal, or have by lapse of time or otherwise become unnecessary, should be expressly and specifically repealed;

And whereas it is also expedient that certain formal amendments should be made in the enactments specified in the second schedule to this Act;

And whereas it is also expedient to facilitate the citation of the enactments specified in the third schedule to this Act;

It is hereby enacted as follows:—

Title and commencement.

1. (*1*) This Act may be called the Repealing and Amending Act, 1897; and

(*2*) It shall come into force at once.

Enactments in schedules repealed and amended respectively.

2. (*1*) The enactments specified in the first schedule are hereby repealed to the extent mentioned in the fourth column thereof.

(*2*) The enactments specified in the second schedule shall be modified to the extent and in the manner mentioned in the fourth column thereof.

Savings.

3. The repeal by this Act of any enactment shall not affect any Act or Regulation in which such enactment has been applied, incorporated or referred to;

and

and this Act shall not affect the validity, invalidity, effect or consequences of anything already done or suffered, or any right, title, obligation or liability already acquired, accrued or incurred, or any remedy or proceeding in respect thereof, or any release or discharge of or from any debt, penalty, obligation, liability, claim or demand, or any indemnity already granted, or the proof of any past act or thing;

nor shall this Act affect any principle or rule of law, or established jurisdiction, form or course of pleading, practice or procedure, or existing usage, custom, privilege, restriction, exemption, office or appointment, notwithstanding that the same respectively may have been in any manner affirmed, recognized or derived by, in or from any enactment hereby repealed;

nor shall the repeal by this Act of any enactment provide or restore any jurisdiction, office, custom, liability, right, title, privilege, restriction, exemption, usage, practice, procedure or other matter or thing not now existing or in force.

Citation of certain enactments.

4. Each of the enactments described in the first three columns of the third schedule may, without prejudice to any other mode of citation, be cited for all purposes by the short title mentioned in that behalf in the fourth column thereof.

THE FIRST SCHEDULE.

A description or citation of a portion of an enactment includes the words, section or other part mentioned or referred to as forming the beginning or as forming the end of the portion comprised in the description or citation.

1	2	3	4
Year.	No.	Short title or subject.	Extent of repeal.
		Part I.—Acts of the Governor General in Council.	
1854	XXVI	Court of Wards . .	The whole Act, so far as it applies to Assam.
1855	XXXII	Embankments . . .	The whole Act, so far as it applies to Assam.
1857	XIII	Opium	The whole Act, so far as it applies to Assam.
1882	I	Assam Labour and Emigration Act, 1882.	In the title, *the words* Bengal and. In the preamble, *the words* Chittagong, the Chittagong Hill Tracts and *the words* Khasi Hills. In section 116, *the words from* Every labourer *to* the same.
1892	IV	Court of Wards (amending Bengal Act IX of 1879).	Section 9.
1893	VII	Inland Emigration Act, 1893.	Section 3, *from* in the definition of the expression *to* repealed. Sections 11 and 38.
		Part II.—Acts of the Lieutenant-Governor of Bengal in Council.	
1862	VIII	Zamindari Dâks . .	The whole Act, so far as it applies to Assam.
1864	V	The Canals Act, 1864 .	The whole Act, so far as it applies to Assam.
„	VII	The Salt Act, 1864 . .	The whole Act, so far as it applies to Assam.
1865	VII	Slaughter-houses . .	The whole Act, so far as it applies to Assam.
„	VIII	Sale of Under-tenures .	Sections 4 to 17 and the Schedule, so far as they apply to Assam.

THE FIRST SCHEDULE—*contd.*

1	2	3	4
Year.	No.	Short title or subject.	Extent of repeal.
Part II.—Acts of the Lieutenant-Governor of Bengal in Council—contd.			
1867	V	General Clauses . .	Section 5.
1871	I	Amending the Village Chaukidari Act, 1870.	Section 6.
„	X	District Road Cess Act, 1871.	The whole Act, so far as it applies to Assam.
1873	I	Amending the Salt Act, 1864.	The whole Act, so far as it applies to Assam.
„	VI	Bengal Embankment Act, 1873.	The whole Act, so far as it applies to Assam.
1878	VII	Bengal Excise Act, 1878 .	In section 2, the last twenty-five words.
1879	IX	Court of Wards Act, 1879.	The third paragraph of section 1.
1880	VII	Public Demands Recovery Act, 1880.	The second and third paragraphs of section 1.
			In section 7, clause (*3*), *the words and figures* in Act V of 1875, section 57.
			Clause (*5*) of section 7.
			In sections 10, 11 and 18, *the words and figure* section 5 or.
1881	III	Court of Wards (amending Bengal Act IX of 1879).	In section 1, the last twenty-six words.
			Section 2.
„	IV	Bengal Excise Act Amendment Act, 1881.	In section 1, the last twenty-six words.
			Section 2.
1886	I	Amending the Village Chaukidari Act, 1870.	Section 2.
			Section 8.
1887	II	Vaccination (amending Bengal Act V of 1880).	The second paragraph of section 1.
1889	I	Inland Emigrants' Health Act, 1889.	In section 1, *the words from* and *to the end.*

THE FIRST SCHEDULE—*concld.*

1	2	3	4
Year.	No.	Short title or subject.	Extent of repeal.
Part II.—Acts of the Lieutenant-Governor of Bengal in Council—concld.			
1892	I	Amending the Village Chaukidari Act, 1870.	In section 3, *the words and figures* as amended by section 2 of Bengal Act I of 1886.
Part III.—Regulations made under the Statute 33 Victoria, Chapter 3.			
1873	V	Bengal Eastern Frontier Regulation, 1873.	The whole Regulation, so far as it applies to the Garo Hills District.
1875	III	The Assam Hill Districts Whipping Regulation, 1875.	The whole Regulation.
1876	I	Garo Hills Regulation, 1876.	The whole.
1878	I	Garo Hills and Goalpara Boundary Regulation, 1878.	The whole.
1879	III	Assam Local Rates Regulation, 1879.	The *Explanation* to section 5.
1880	I	Repeal of parts of Regulations V of 1873 and I of 1876.	The whole.
1890	IV	Assam Military Police Regulation, 1890.	Section 2.
Part IV.—Regulations of the Bengal Code.			
1806	XI	Passage of Troops . .	In section 2, *the words from* the Commanding Officer will at the same time *to the end.* In section 7, *the words* and the Magistrates to report to the Nizámat Adálat for the information of the Governor General in Council.
1810	XIX	Native Endowments; Escheats.	The whole Regulation, so far as it applies to Assam.
1817	XX	Police	So much as is unrepealed, so far as it applies to Assam.

THE

THE SECOND SCHEDULE.

1	2	3	4
Year.	No.	Short title or subject.	Amendment.
		Part I.—Act of the Governor General in Council.	
1882	I	Assam Labour and Emigration Act, 1882.	In the schedule *for* the Inland Emigration Act, 1882, *read* the Assam Labour and Emigration Act, 1882.
		Part II.—Acts of the Lieutenant-Governor of Bengal in Council.	
1862	VIII	Zamindari Dâks	In section 11, *for* Act XVII of 1854 (*for the management of the Post Office, for the Regulation of the duties of postage, and for the punishment of offences against the Post Office*) *read* the Indian Post Office Act, 1866.
1883	I	Excise (amending Bengal Act VII of 1878).	In section 12, *for the words* In the second paragraph *to the end of the section, read* In the second paragraph of the same section, as amended by Bengal Act IV of 1881, section 8, the following words shall be inserted after the word "sea," that is to say, "which are in the possession of any common carrier or warehouseman as such or."
1884	III	Bengal Municipal Act, 1884.	In section 37-J. (inserted by Bengal Act IV of 1894, section 23), *for* the Loans Act, 1879, *read* the Local Authorities Loan Act, 1879. In section 219 (as amended by Bengal Act IV of 1894, section 64), *for* or two hundred and ten two hundred and ten A *read* 210 or 210 A.
1887	II	Vaccination (amending Bengal Act V of 1880).	To section 3 *add* :— "The Schedule hereto annexed shall be annexed as The First Schedule to the Bengal Vaccination Act, 1880."
1889	I	Inland Emigrants' Health Act, 1889.	In the preamble and also in section 2, *for* the Inland Emigration Act, 1882, *read* the Assam Labour and Emigration Act, 1882.

THE SECOND SCHEDULE—*contd.*

1	2	3	4
Year.	No.	Short title or subject.	Amendment.
		Part III.—Regulations made under the Government of India Act, 1870 (33 Vict., c. 3).	
1883	I	Sylhet and Cachar Rural Police Regulation, 1883.	In section 18, clause 10th, *for* the Indian Forest Act, 1878, *read* the Assam Forest Regulation, 1891.
1886	I	Assam Land and Revenue Regulation, 1886.	To section 1 *add*:— (*3*) The Chief Commissioner may in like manner amend, vary or rescind any notification issued under sub-section (*2*).
		Part IV.—Regulations of the Bengal Code.	
1806	XI	Passage of Troops . .	In section 4, clause third, *for* Governor General in Council, *in each place in which those words occur, read* Local Government.
1812	XI	Removal of Foreign Immigrants.	In section 5, clause second, *for* to the Nizámat Adálat, who will recommend to the Governor General in Council such abbreviation of the prescribed punishment as they may judge proper *read* to the Local Government, and the Local Government shall pass such orders thereon as it may think fit. *For* Governor General in Council *wherever those words occur, read* Local Government.
1823	VII	Loans to covenanted officers.	In section 3, *for the words from* All Judges *to* powers of such Collector *read* All Commissioners, District and Sessions Judges, Deputy Commissioners and Assistant Commissioners being members of the Indian Civil Service. In section 6, and also in section 8, *for* Governor General in Council *read* Local Government. In section 8, *for* Government *read* the Local Government.

THE

THE THIRD SCHEDULE.

1	2	3	4
Year.	No.	Subject.	Short title.
		Part. I—Local Acts of the Governor General in Council in force in Assam.	
1850	XXV	For the forfeiture to Government of deposits made on incomplete sales of land under Regulation VIII, 1819.	The Forfeited Deposits Act, 1850.
,,	XXXIII	For amending the forms necessary for the sale of patni tenures in Bengal.	The Sale of Patni Tenures Act, 1850.
1853	VI	Relating to summary suits for arrears of rent, to sales of patni taluqs and other saleable tenures, and to sales of land in satisfaction of summary decrees for rent.	The Rent Recovery Act, 1853.
,,	XIX	To amend the law of evidence in the Civil Courts of the East India Company in the Bengal Presidency.	The Recusant Witnesses Act, 1853.
1856	XII	To amend the law respecting the employment of Amins by the Civil Courts in the Presidency of Fort William.	The Civil Courts Amins Act, 1856.
1867	III	To provide for the punishment of public gambling and the keeping of common gaming-houses in the North-Western Provinces of the Presidency of Fort William, and in the Punjab, Oudh, the Central Provinces and British Burma.	The Public Gambling Act, 1867.
1871	XIX	To provide for the appointment of Sessions Judges in Bengal and the North-Western Provinces.	The Bengal Sessions Courts Act, 1871.

THE THIRD SCHEDULE—*contd.*

1	2	3	4
Year.	No	Subject.	Short title.
		Part I.—Local Acts of the Governor General in Council in force in Assam—contd.	
1874	VIII	To provide for the exercise of the powers hitherto exercised by the Lieutenant-Governor and Board of Revenue of Bengal in the territories forming the Chief Commissionership of Assam.	The Assam Chief Commissionership Act, 1874.
"	XII	To provide for the exercise, in Sylhet, of the powers of the Lieutenant-Governor and Board of Revenue in Bengal.	The Sylhet Act, 1874.
1886	III	To amend the Northern India Ferries Act, 1878.	The Northern India Ferries Act Amendment Act, 1878.
1892	IV	To amend the Bengal Court of Wards Act, 1879 [Act IX (B.C.) of 1879].	The Court of Wards Act, (Bengal) Amendment Act, 1892.
		Part II.—Regulation made under the Government of India Act, 1870 (33 Vict., c. 3).	
1884	III	To empower the extension of the Assam Frontier Tracts Regulation, 1880, to certain tracts in Assam and to declare that Act X of 1872 (the Code of Criminal Procedure) shall be deemed never to have come into force in the Garo Hills District, the Naga Hills District and the Khasi and Jaintia Hills District.	The Assam Frontier Tracts Regulation 1884.

THE THIRD SCHEDULE—*contd.*

1	2	3	4
Year.	No.	Subject.	Short title.
		Part III.—Regulations of the Bengal Code in force in Assam.	
1793	I	For enacting into a Regulation certain Articles of a Proclamation bearing date the 22nd March, 1793.	The Bengal Permanent Settlement Regulation, 1793.
,,	II	For abolishing the Courts of Mál Adálat or Revenue Courts, and transferring the trial of the suits which were cognizable in those Courts to the Courts of Dewání Adálat; and prescribing Rules for the conduct of the Board of Revenue and the Collectors.	The Bengal Land-revenue Regulation, 1793.
,,	VIII	For re-enacting, with modifications and amendments, the rules for the Decennial Settlement of the public revenue payable from the lands of the zamindárs, independent taluqdars and other actual proprietors of land, in Bengal, Behar and Orissa, passed for those provinces respectively on the 18th September, 1789; the 25th November, 1789; and the 10th February, 1790, and subsequent dates.	The Bengal Decennial Settlement Regulation, 1793.
,,	XI	For removing certain restrictions to the operation of the Hindu and Muhammadan laws with regard to the inheritance of landed property subject to the payment of revenue to Government.	The Bengal Inheritance Regulation, 1793.

THE THIRD SCHEDULE—*contd.*

1	2	3	4
Year.	No.	Subject.	Short title.
Part III—Regulations of the Bengal Code in force in Assam—contd.			
1793	XXXVIII	For re-enacting, with modifications, such part of the rule passed on the 27th June, 1787, as prohibits Covenanted Civil Servants of the Company employed in the administration of justice on the collection of the public revenue lending money to zamindárs, independent taluqdárs or other actual proprietors of land, or dependent taluqdars or farmers of land holding farms immediately of Government, or the under-farmers or raiats of the several descriptions of proprietors and farmers of land above mentioned, or their respective sureties.	The Indian Civil Service (Bengal) Loans Prohibition Regulation, 1793.
1799	V	To limit the interference of the Zila Court of Diwáni Adálat in the execution of wills and administration to the estates of persons dying intestate.	The Bengal Wills and Intestacy Regulation, 1799.
1800	X	For preventing the division of landed estates in the Jangal Mahals of the Zila of Midnapore and other Districts.	The Bengal Inheritance Regulation, 1800.
1804	X	For declaring the powers of the Governor General in Council to provide for the immediate punishment of certain offences against the State by the sentence of Courts-martial.	The Bengal State Offences Regulation, 1804.
1806	XI	For facilitating the progress of detachments of troops through the Company's territories for affording any requisite assistance to persons travelling through those territories.	The Bengal Troops Transport and Travellers Assistance Regulation, 1806.

THE THIRD SCHEDULE—*contd.*

1	2	3	4
Year.	No.	Subject.	Short title.
Part III.—Regulations of the Bengal Code in force in Assam—contd.			
[1]812	XI	To empower the Governor General in Council to order the removal of emigrants from foreign countries, and their descendants, from any place in the vicinity of the frontier of the State from which they may have emigrated; and, in certain cases, to place and detain any such persons in safe custody; and likewise to provide for the trial of emigrants and their descendants who may excite disturbances in the countries from which they may have emigrated, and of persons aiding them in the prosecution of such attempts.	The Bengal Foreign Immigrants Regulation, 1812.
1818	III	For the confinement of State Prisoners.	The Bengal State Prisoners Regulation, 1818.
1819	VIII	To declare the validity of certain tenures, and to define the relative rights of zamindárs and patni taluqdars; also to establish a process for the sale of such taluqs in satisfaction of the zamindár's demand of rent.	The Bengal Patni Taluqs Regulation, 1819.
1820	I	For providing that all sales of certain taluqs made answerable by sale for arrears by the zamindár's rent shall be conducted in the mode provided by Regulation VIII, 1819, for the sales therein described.	The Bengal Patni Taluqs Regulation, 1820.

LIBRARY

THE THIRD SCHEDULE—*concld.*

1	2	3	4
Year.	No.	Subject.	Short title.
Part III.—Regulations of the Bengal Code in force in Assam—concld.			
1823	VII	For prohibiting loans by Covenanted Civil Servants from persons subject to their official authority and influence.	The Indian Civil Service (Bengal) Loans Prohibition Regulation, 1823.
1825	VI	For rendering more effectual the rules in force relative to supplies and preparations for troops proceeding through the British territories.	The Bengal Troops Transport Regulation 1825.
"	XI	For declaring the rules to be observed in determining claims to lands gained by alluvion, or by dereliction of a river or the sea.	The Bengal Alluvion and Diluvion Regulation, 1825.
1827	III	For modifying and amending the rules in force relative to the law officers and ministerial native officers of the Courts of Judicature, who may be guilty of corruption or extortion.	The Bengal Corruption and Extortion Regulation, 1827.
"	V	For modifying the rules at present in force for the management of estates under attachments by orders of the Courts of Justice in certain cases.	The Bengal Attached Estates Management Regulation, 1827.
1829	XVII	For declaring the practice of Sati or of burning or burying alive the widows of Hindus illegal and punishable by the Criminal Courts.	The Bengal Sati Regulation, 1829.

ACT No. VI OF 1897.

PASSED BY THE GOVERNOR GENERAL OF INDIA IN COUNCIL.

(*Received the assent of the Governor General on the 4th March 1897.*)

An Act to amend the Negotiable Instruments Act, 1881.

WHEREAS it is expedient to amend the Negotiable Instruments Act, 1881; It is hereby enacted as follows :— XXVI of 1881.

1. (*1*) This Act may be called the Negotiable Instruments Act Amendment Act, 1897; and — Short title and commencement.

(*2*) It shall come into force at once.

2. To section 72 of the said Act the following words shall be prefixed, namely, "Subject to the provisions of section 84". — Amendment of section 72, Act XXVI of 1881.

3. For section 84 of the said Act the following section shall be substituted, namely :— — Substitution of new section for section 84, Act XXVI of 1881.

"84. (*1*) Where a cheque is not presented for payment within a reasonable time of its issue, and the drawer or person on whose account it is drawn had the right, at the time when presentment ought to have been made, as between himself and the banker, to have the cheque paid and suffers actual damage through the delay, he is discharged to the extent of such damage, that is to say, to the extent to which such drawer or person is a creditor of the banker to a larger amount than he would have been if such cheque had been paid. — When cheque not duly presented and drawer damaged thereby.

(*2*) In determining what is a reasonable time, regard shall be had to the nature of the instrument, the usage of trade and of bankers, and the facts of the particular case.

(*3*) The

(*3*) The holder of the cheque as to which such drawer or person is so discharged shall be a creditor, in lieu of such drawer or person, of such banker to the extent of such discharge and entitled to recover the amount from him.

Illustrations.

(*a*) A draws a cheque for Rs. 1,000, and, when the cheque ought to be presented, has funds at the bank to meet it. The bank fails before the cheque is presented. The drawer is discharged, but the holder can prove against the bank for the amount of the cheque.

(*b*) A draws a cheque at Umballa on a bank in Calcutta. The bank fails before the cheque could be presented in ordinary course. A is not discharged, for he has not suffered actual damage through any delay in presenting the cheque.

ACT No. VII OF 1897.

PASSED BY THE GOVERNOR GENERAL OF INDIA IN COUNCIL.

(*Received the assent of the Governor General on the 4th March, 1897.*)

An Act to amend the Indian Emigration Act, 1883.

XXI of 1883. WHEREAS it is expedient to amend the Indian Emigration Act, 1883; It is hereby enacted as follows:—

Short title and commencement.

1. (*1*) This Act may be called the Indian Emigration Act Amendment Act, 1897; and

(*2*) It shall come into force at once.

Amendment of section 102, Act XXI, 1883.

XXI of 1883. 2. In section 102 of the Indian Emigration Act, 1883, as amended by Act No. XVIII of 1890, section 7, for the words "British colony or possession", wherever they occur, the word "country", and for the words "State, colony or possession", wherever they occur, the words "State or country", shall be substituted.

THE REFORMATORY SCHOOLS ACT, 1897.

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31. Power to deal in other ways with youthful offenders, including girls.
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ACT No. VIII OF 1897.

PASSED BY THE GOVERNOR GENERAL OF INDIA IN COUNCIL.

(*Received the assent of the Governor General on the 11th March, 1897.*)

An Act to amend the law relating to Reformatory Schools and to make further provision for dealing with youthful offenders.

WHEREAS it is expedient to amend the law relating to Reformatory Schools and to make further provision for dealing with youthful offenders; It is hereby enacted as follows:—

I.—Preliminary.

Title, commencement and extent.

1. (*1*) This Act may be called the Reformatory Schools Act, 1897; and

(*2*) It shall come into force at once.

(*3*) This section and section 2 shall extend to the whole of British India. The other sections shall extend in the first instance to the whole of British India except the territories for the time being administered by the Lieutenant-Governor of the Punjab and the Chief Commissioner of Coorg, but either of the said Local Governments may at any time, by notification in the local official Gazette, extend these sections to their territories from such day as may be fixed in any such notification.

Repeal of Act V of 1876.

2. (*1*) The Reformatory Schools Act, 1876, is hereby repealed. V of 1876.

(*2*) But all proceedings taken, orders passed, officers appointed or authorised and rules made under the said Act shall, as far as may be, be deemed to have been respectively passed, appointed or authorised and made under this Act.

(*3*) Any enactment or document referring to the said Act shall, as far as may be, be construed to refer

refer to this Act, or to the corresponding portion thereof.

3. From the date fixed by any notification issued under section 1, sub-section (*3*), section 399 of the X of 1882. Code of Criminal Procedure, 1882, shall be repealed in the province to which the notification relates.

Section 399 of Act X of 1882 repealed on date fixed by a notification under section 1, sub-section (*3*).

4. In this Act, unless there is anything repugnant in the subject or context,— Definitions.

(*a*) "youthful offender" means any boy who has been convicted of any offence punishable with transportation or imprisonment and who, at the time of such conviction, was under the age of fifteen years:

(*b*) "Inspector General" includes any officer appointed by the Local Government to perform all or any of the duties imposed by this Act on the Inspector General: and

(*c*) "District Magistrate" shall include a Chief Presidency Magistrate.

II.—Reformatory Schools.

5. With the previous sanction of the Governor General in Council, the Local Government may— Power to establish and discontinue Reformatory Schools.

(*a*) establish and maintain Reformatory Schools at such places as it may think fit;

(*b*) use as Reformatory Schools schools kept by persons willing to act in conformity with such rules, consistent with this Act; as the Local Government may prescribe in this behalf;

(*c*) direct that any school so established or used shall cease to exist as a Reformatory School or to be used as such.

6. Every

Requisites of schools.

6. Every school so established or used must provide—

(*a*) sufficient means of separating the inmates at night;

(*b*) proper sanitary arrangements, water-supply, food, clothing and bedding for the youthful offenders detained therein;

(*c*) the means of giving such youthful offenders industrial training;

(*d*) an infirmary or proper place for the reception of such youthful offenders when sick.

Inspection of Reformatory Schools.

7. (*1*) Every school intended to be established or used as a Reformatory School shall, before being used as such, be inspected by the Inspector General, and if he finds that the requirements of section 6 have been complied with, and that, in his opinion, such school is fitted for the reception of such youthful offenders as may be sent there under this Act, he shall certify to that effect, and such certificate shall be published in the local official Gazette, together with an order of the Local Government establishing the school as a Reformatory School or directing that it shall be used as such, and the school shall thereupon be deemed to be a Reformatory School.

(*2*) Every such school shall, from time to time, and at least once in every year, be visited by the said Inspector General, who shall send to the Local Government a report on the condition of the school in such form as the Local Government may prescribe.

Power of Courts to direct youthful offenders to be sent to Reformatory Schools.

8. (*1*) Whenever any youthful offender is sentenced to transportation or imprisonment, and is, in the judgment of the Court by which he is sentenced, a proper person to be an inmate of a Reformatory School, the Court may, subject to any rules made by the Local Government, direct that, instead of undergoing his sentence, he shall be sent to such a school, and be there detained for a period which shall be not less than three or more than seven years.

(*2*) The

(*2*) The powers so conferred on the Court by this section shall be exercised only by (*a*) the High Court, (*b*) a Court of Session, (*c*) a District Magistrate, and (*d*) any Magistrate specially empowered by the Local Government in this behalf, and may be exercised by such Courts whether the case comes before them originally or on appeal.

(*3*) The Local Government may make rules for—

(*a*) defining what youthful offenders should be sent to Reformatory Schools, having regard to the nature of their offences or other considerations, and

(*b*) regulating the periods for which youthful offenders may be sent to such schools according to their ages or other considerations.

Procedure where Magistrate is not empowered to pass an order under section 8.

9. (*1*) When any Magistrate not empowered to pass an order under the last foregoing section is of opinion that a youthful offender convicted by him is a proper person to be an inmate of a Reformatory School, he may, without passing sentence, record such opinion and submit his proceedings and forward the youthful offender to the District Magistrate to whom he is subordinate.

(*2*) The Magistrate to whom the proceedings are so submitted may make such further inquiry (if any) as he may think fit and pass such sentence and order for the detention in a Reformatory School of the youthful offender, or otherwise, as he might have passed if such youthful offender had been originally tried by him.

Power of Magistrates to direct boys under fifteen sentenced to imprisonment to be sent to Reformatory Schools.

10. The officer in charge of a prison in which a youthful offender is confined, in execution of a sentence of imprisonment, may bring him, if he has not then attained the age of fifteen years, before the District Magistrate within whose jurisdiction such prison is situate; and such Magistrate may, if such youthful offender appears to be a proper person to be an inmate of a Reformatory School, direct that,

instead

instead of undergoing the residue of his sentence, he shall be sent to a Reformatory School, and there detained for a period which shall be subject to the same limitations as are prescribed by or under section 8, with reference to the period of detention thereby authorised.

Preliminary enquiry and finding as to age of youthful offender.

11. (*1*) Before directing any youthful offender to be sent to a Reformatory School under section 8, section 9 or section 10, the Court or Magistrate shall inquire into the question of his age and, after taking such evidence (if any) as may be deemed necessary, shall record a finding thereon, stating his age as nearly as may be.

(*2*) A similar inquiry shall be made and finding recorded by every Magistrate not empowered to pass an order under section 8 before submitting his proceedings and forwarding the youthful offender to the District Magistrate as required by section 9, subsection (*1*).

Government to determine Reformatory School to which such offenders shall be sent.

12. Every youthful offender directed by a Court or Magistrate to be sent to a Reformatory School shall be sent to such Reformatory School as the Local Government may, by general or special order, appoint for the reception of youthful offenders so dealt with by such Court or Magistrate:

Provided that, if accommodation in a Reformatory School is not immediately available for such youthful offender, he may be detained in the juvenile ward or such other suitable part of a prison as the Local Government may direct—

(*a*) until he can be sent to a Reformatory School, or

(*b*) until the term of his original sentence expires,

whichever event may first happen. Should the term of his original sentence first expire, he shall thereupon be released, but, should he be sent to a Reformatory School, then the period of detention previously

previously undergone shall be treated as detention in a Reformatory School.

Persons found to be over eighteen years not to be detained in Reformatory Schools.

13. (*1*) If at any time after a youthful offender has been sent to a Reformatory School it appears to the Committee of Visitors or Board of Management, as the case may be, that the age of such youthful offender has been understated in the order for detention, and that he will attain the age of eighteen years before the expiration of the period for which he has been ordered to be detained, they shall report the case for the orders of the Local Government.

(*2*) No person shall be detained in a Reformatory School after he has been found by the Local Government to have attained the age of eighteen years.

Discharge or removal by order of Government.

14. The Local Government may at any time order any youthful offender—

(*a*) to be discharged from a Reformatory School;

(*b*) to be removed from one Reformatory School to another such school situate within the territories subject to such Government: Provided that the whole period of his detention in a Reformatory School shall not be increased by such removal.

Power to Governor General in Council to direct use of Reformatories in one province for reception of youthful offenders from another.

15. (*1*) The Governor General in Council may by general or special order direct that any Reformatory School situated in one province shall be available for the reception of youthful offenders directed to be sent to any Reformatory School by any Court or Magistrate in any other province.

(*2*) Any such order may also provide for the removal of the youthful offender, and the cost of his maintenance, and may give any such further directions as may be necessary.

Certain orders not subject to appeal or revision.

X of 1882.

16. Nothing contained in the Code of Criminal Procedure, 1882, shall be construed to authorise any Court or Magistrate to alter or reverse in appeal or revision any order passed with respect to the age of a youthful offender or the substitution of an order for detention

detention in a Reformatory School for transportation or imprisonment.

III.—Management of Reformatory Schools.

Appointment of Superintendent and Committee of Visitors or Board of Management.

17. (*1*) For the control and management of every Reformatory School, the Local Government shall appoint either (*a*) a Superintendent and a Committee of Visitors, or (*b*) a Board of Management.

(*2*) Every Committee and every Board so appointed must consist of not less than five persons, of whom two at least shall be Natives of India.

(*3*) The Local Government may suspend or remove any Superintendent or any Member of a Committee or Board so appointed.

Superintendent may license youthful offenders to employers of labour.

18. (*1*) Every Superintendent so appointed may, with the sanction of the Committee, by license under his hand, permit any youthful offender sent to a Reformatory School, who has attained the age of fourteen years, to live under the charge of any trustworthy and respectable person named in the license, or any officer of Government or of a Municipality, being an employer of labour and willing to receive and take charge of him, on the condition that the employer shall keep such youthful offender employed at some trade, occupation or calling.

(*2*) The license shall be in force for three months and no longer, but may, at any time and from time to time until the expiration of the period for which the youthful offender has been directed to be detained, be renewed for three months at a time.

Cancellation of license.

19. The license shall be cancelled at the desire of the employer named in the license.

Determination of license.

20. If during the term of the license the employer named therein dies, or ceases from business or to employ labour, or the period for which the youthful offender has been directed to be detained in the

Reformatory

Reformatory School expires, the license shall thereupon cease and determine.

Cancellation of license in case of ill-treatment.

21. If it appears to the Superintendent that the employer has ill-treated the youthful offender, or has not adequately provided for his lodging and maintenance, the Superintendent may cancel the license.

Superintendent to be deemed guardian of youthful offenders.

22. (*1*) The Superintendent of a Reformatory School shall be deemed to be the guardian of every youthful offender detained in such school, within the meaning of Act No. XIX of 1850 (*concerning the binding of apprentices*).

Power to apprentice youthful offender.

(*2*) If it appears to the Superintendent that any youthful offender licensed under section 18 has behaved well during one or more periods of his license, the Superintendent may, with the sanction of the Committee, apprentice him under the provisions of the said Act, and on such apprenticement the right to detain such youthful offender in a Reformatory School shall cease and the unexpired term (if any) of his sentence shall be cancelled.

Duties of Committee of Visitors.

23. (*1*) Every Committee of Visitors appointed under section 17 for a Reformatory School shall, at least once in every month,—

(*a*) visit the school, to hear complaints and see that the requirements of section 6 have been complied with, and that the management of the school is proper in all respects;

(*b*) examine the punishment-book;

(*c*) bring any special cases to the notice of the Inspector-General; and

(*d*) see that no person is illegally detained in the school.

(*2*) If any member of a Committee of Visitors so appointed fails or neglects, during a period of six consecutive months, to visit the school and assist in the discharge

discharge of the duties aforesaid, he shall cease to be a member of such Committee.

Powers of Board of Management.

24. If, in exercise of the power conferred by section 17, the Local Government appoints a Board of Management for any Reformatory School, such Board shall have the powers and perform the functions of the Superintendent under sections 18 to 22, both inclusive; and the license mentioned in section 18 may be under the hand of their chairman; and they shall be deemed to be the guardians of the youthful offenders detained in such school.

Power to appoint Trustees or other Managers of a school to be a Board of Management.

25. The Local Government may declare any body of Trustees or Managers of a school, who are willing to act in conformity with the rules referred to in section 5, clause (*b*), to be a Board of Management under this Act, and thereupon such body or Managers shall have all the powers and perform all the functions of such Board of Management.

Power of Board to make rules.

26. (*1*) With the previous sanction of the Local Government, every Board of Management of a Reformatory School may from time to time make rules consistent with this Act—

(*i*) to prescribe the articles which are to be deemed to be "prohibited articles"; and

(*ii*) to regulate—

(*a*) the conduct of business of the Board;

(*b*) the management of the school;

(*c*) the education and industrial training of youthful offenders;

(*d*) visits to, and communication with, youthful offenders;

(*e*) the terms and conditions under which any articles declared by the Board to be "prohibited articles" may be introduced into or removed out of the school;

(*f*) the manner in which such articles are to be removed when introduced without due authority;

(*g*) the

(*g*) the conditions and limitations under which such articles may be supplied outside the school to any youthful offender under order of detention therein;

(*h*) the conditions on which the possession by any such youthful offender of such articles may be sanctioned;

(*i*) the penalties to be imposed for the supply or possession of such articles when supplied or possessed without due authority;

(*j*) the punishment of offences committed by youthful offenders; and

(*k*) the granting of licenses for the employment of youthful offenders.

(*2*) In the absence of a Board of Management the Local Government may make rules consistent with this Act to regulate for any Reformatory School the matters mentioned in any clause of sub-section (*1*), other than clause (*ii*) (*a*), and also the mode in which the Committee of Visitors shall conduct their business.

IV.—Offences in relation to Reformatory Schools.

Penalty for introduction or removal or supply of prohibited articles and communication with youthful offenders.

27. Whoever, contrary to any rule made under section 26, introduces or removes or attempts by any means whatever to introduce or remove into or from any Reformatory School, or supplies or attempts to supply outside the limits of any Reformatory School to any youthful offender under order of detention therein, any prohibited article,

and every officer or person in charge of a Reformatory School who, contrary to any such rule, knowingly suffers any such article to be introduced into or removed from any Reformatory School, to be possessed by any youthful offender detained therein, or to be supplied to any such youthful offender outside its limits,

and

(IV.—Offences in relation to Reformatory Schools.—Sections 28-29. V.—Miscellaneous.—Sections 30-31.)

and whoever, contrary to any such rule, communicates or attempts to communicate with any such youthful offender,

and whoever abets any offence made punishable under this section,

shall, on conviction before a Magistrate, be liable to imprisonment for a term not exceeding six months, or to fine not exceeding two hundred rupees, or to both.

Penalty for abetting escape of youthful offender.

28. Whoever abets an escape, or an attempt to escape, on the part of a youthful offender from a Reformatory School, or from the employer of such youthful offender, shall be punishable with imprisonment for a term which may extend to six months, or with fine not exceeding two hundred rupees, or with both.

Arrest of escaped youthful offender.

29. A Police-officer may, without orders from a Magistrate and without a warrant, arrest any youthful offender sent to a Reformatory School under this Act, who has escaped from such school or from his employer, and take him back to such school or to his employer.

V.—Miscellaneous.

Application of Act XV of 1869 to youthful offenders detained in Reformatory Schools.

30. The provisions of the Prisoners' Testimony Act, 1869, shall be applied, so far as they can be made applicable, to youthful offenders detained in Reformatory Schools as if they were persons confined in jail within the meaning of that Act. XV of 1869.

Power to deal in other ways with youthful offenders, including girls.

31. (*1*) Notwithstanding anything contained in this Act or in any other enactment for the time being in force, any Court may, if it shall think fit, instead of sentencing any youthful offender to transportation or imprisonment or directing him to be detained in a Reformatory School, order him to be—

(*a*) discharged after due admonition, or

(*b*) delivered

(*b*) delivered to his parent or to his guardian or nearest adult relative, on such parent, guardian or relative executing a bond, with or without sureties, as the Court may require, to be responsible for the good behaviour of the youthful offender for any period not exceeding twelve months.

(*2*) For the purposes of this section the term "youthful offender" shall include a girl.

(*3*) The powers conferred on the Court by this section shall be exercised only by Courts empowered by or under section 8.

(*4*) When any youthful offender is convicted by a Court not empowered to act under this section and the Court is of opinion that the powers conferred by this section should be exercised in respect of such youthful offender, it may record such opinion and submit the proceedings and forward the youthful offender to the District Magistrate to whom such Court is subordinate.

(*5*) The District Magistrate to whom the proceedings are so submitted may thereupon make such order or pass such sentence as he might have made or passed if the case had originally been tried by him.

Procedure when youthful offender under detention in a Reformatory School is again convicted and sentenced.

32. When a youthful offender during his period of detention in a Reformatory School is again convicted by a Criminal Court, the sentence of such Court shall commence at once, notwithstanding anything to the contrary in section 397 of the Code of Criminal Procedure, 1882, but the Court shall forthwith report the matter to the Local Government, which shall have power to deal with the matter in any way in which it thinks fit.

X of 1882.

ACT No. IX OF 1897.

PASSED BY THE GOVERNOR GENERAL OF INDIA IN COUNCIL.

(Received the assent of the Governor General on the 11th March, 1897.)

An Act to amend the law relating to Government and other Provident Funds.

WHEREAS it is expedient to amend the law relating to Government and other Provident Funds; It is hereby enacted as follows:—

Title, extent and commencement.

1. (*1*) This Act may be called the Provident Funds Act, 1897.

(*2*) It extends to the whole of British India, including Upper Burma and British Baluchistan; and

(*3*) It shall come into force at once.

Definitions.

2. In this Act—

(*1*) "Provident Fund" means a fund in which the subscriptions or deposits of any class or classes of employees are received and held on their individual accounts, and includes any contributions credited in respect of, and any interest accruing on, such subscriptions or deposits under the rules of the Fund:

(*2*) "Government Provident Fund" means a Provident Fund constituted by the authority of the Government for any class or classes of its employees:

(*3*) "Railway Provident Fund" means a Provident Fund constituted by the authority of the Government of India, or of any company which administers a railway or tramway in British India, either under a special Act of Parliament or under contract with the Secretary of State in Council or the Government of India,

India, for any class or classes of the employees on, or in connection with, such railway or tramway: and

(*4*) "compulsory deposit" means a subscription or deposit which is not repayable on the demand, or at the option, of the subscriber or depositor, and includes any contribution which may have been credited in respect of, and any interest or increment which may have accrued on, such subscription or deposit under the rules of the Fund.

Payment from Government or Railway Provident Fund on death of subscriber or depositor.

3. (*1*) When a subscriber to, or depositor in, any Government or Railway Provident Fund dies, and the sum standing to his credit in the books of the Fund does not exceed two thousand rupees, the officer or person whose duty it is to make payment of such sum may pay it as follows:—

(*a*) he may pay it to any person entitled to receive it according to the rules of the Fund or, in the absence of any rule of the Fund to the contrary, to any person nominated in writing by the deceased subscriber or depositor to receive it;

(*b*) in any case not hereinbefore provided for, he may pay it to any person appearing to him to be entitled to receive it.

(*2*) The provisions of sub-section (*1*) shall apply to any such sum which, at the commencement of this Act, stands to the credit of any subscriber or depositor already deceased.

(*3*) Nothing in this section shall affect the validity of the rules of any Fund in so far as such rules may provide for the disposal of sums exceeding two thousand rupees.

Government and Railway Provident Funds not to be attached.

4. After the commencement of this Act, the compulsory deposits in any Government or Railway Provident Fund shall not be liable to attachment under any decree or order of a Court of Justice in respect of any debt or liability incurred by a subscriber to, or depositor in, such Fund, and neither the Official Assignee, nor a Receiver appointed under XIV of 1882. Chapter XX of the Code of Civil Procedure, shall be

be entitled to, or have any claim on, any such compulsory deposit.

Protection for anything done in good faith under this Act.

5. No suit or other legal proceeding shall lie against any person in respect of anything done or in good faith intended to be done in pursuance of the provisions of this Act.

Power to extend Act to other Provident Funds.

6. The Governor General in Council may, in his discretion, by notification in the official Gazette, extend the provisions of this Act to any Provident Fund established for the benefit of its employees by any local authority within the meaning of the Local Authorities Loan Act, 1879. XI of 1879.

Saving as to estates of soldiers.

7. Nothing in section 3 shall apply to money belonging to the estate of any European officer, non-commissioned officer or soldier dying in Her Majesty's service in India, or of any European who at the time of his death was a deserter from such service.

THE GENERAL CLAUSES ACT, 1897.

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ENACTMENTS REPEALED.

ACT No. X OF 1897.

PASSED BY THE GOVERNOR GENERAL OF INDIA IN COUNCIL.

(Received the assent of the Governor General on the 11th March, 1897.)

An Act to consolidate and extend the General Clauses Acts, 1868 and 1887.

I of 1868. I of 1887.

WHEREAS it is expedient to consolidate and extend the General Clauses Acts, 1868 and 1887; It is hereby enacted as follows:—

Preliminary.

Short title and commencement.

1. (*1*) This Act may be called the General Clauses Act, 1897; and

(*2*) It shall come into force at once.

Repeal.

2. The Acts mentioned in the schedule are repealed to the extent specified in the fourth column thereof.

General Definitions.

Definitions.

3. In this Act, and in all Acts of the Governor General in Council and Regulations made after the commencement of this Act, unless there is anything repugnant in the subject or context,—

"Abet."

(*1*) "abet," with its grammatical variations and cognate expressions, shall have the same meaning as in the Indian Penal Code:

XLV of 1860.

"Act."

(*2*) "act," used with reference to an offence or a civil wrong, shall include a series of acts, and words which refer to acts done extend also to illegal omissions:

"Affidavit."

(*3*) "affidavit" shall include affirmation and declaration in the case of persons by law allowed

allowed to affirm or declare instead of swearing:

"Barrister." (4) "barrister" shall mean a barrister of England or Ireland, or a member of the Faculty of Advocates in Scotland:

"Bengal Act." (5) "Bengal Act" shall mean an Act made by the Lieutenant-Governor of Bengal in Council under the Indian Councils Acts, 1861 and 1892: 24 & 25 Vict., c. 67; 55 & 56 Vict., c. 14.

"Bombay Act." (6) "Bombay Act" shall mean an Act made by the Governor of Bombay in Council under the Indian Councils Acts, 1861 and 1892: 24 & 25 Vict., c. 67; 55 & 56 Vict., c. 14.

"British India." (7) "British India" shall mean all territories and places within Her Majesty's dominions which are for the time being governed by Her Majesty through the Governor General of India or through any Governor or other officer subordinate to the Governor General of India:

"British possession." (8) "British possession" shall mean any part of Her Majesty's dominions, exclusive of the United Kingdom, and, where parts of those dominions are under both a central and a local legislature, all parts under the central legislature shall, for the purposes of this definition, be deemed to be one British possession:

"Chapter." (9) "Chapter" shall mean a Chapter of the Act or Regulation in which the word occurs:

"Collector." (10) "Collector" shall mean, in a Presidency-town, the Collector of Calcutta, Madras or Bombay, as the case may be, and elsewhere the chief officer in charge of the revenue-administration of a district:

"Colony." (11) "Colony" shall mean any part of Her Majesty's dominions, exclusive of the British Islands and of British India, and, where parts of those dominions are under both a central

central and a local legislature, all parts under the central legislature shall, for the purposes of this definition, be deemed to be one colony :

(*12*) "commencement," used with reference to an Act or Regulation, shall mean the day on which the Act or Regulation comes into force : "Commencement."

(*13*) "Commissioner" shall mean the chief officer in charge of the revenue-administration of a division : "Commissioner."

(*14*) "consular officer" shall include consul-general, consul, vice-consul, consular agent, pro-consul and any person for the time being authorized to perform the duties of consul-general, consul, vice-consul or consular agent : "Consular officer."

(*15*) "District Judge" shall mean the Judge of a principal Civil Court of original jurisdiction, but shall not include a High Court in the exercise of its ordinary or extraordinary original civil jurisdiction : "District Judge."

(*16*) "document" shall include any matter written, expressed or described upon any substance by means of letters, figures or marks, or by more than one of those means, which is intended to be used, or which may be used, for the purpose of recording that matter : "Document."

(*17*) "enactment" shall include a Regulation (as hereinafter defined) and any Regulation of the Bengal, Madras or Bombay Code, and shall also include any provision contained in any Act or in any such Regulation as aforesaid : "Enactment."

(*18*) "father," in the case of any one whose personal law permits adoption, shall include an adoptive father : "Father."

(*19*) "financial

"Financial year." (*19*) "financial year" shall mean the year commencing on the first day of April:

"Good faith." (*20*) a thing shall be deemed to be done in "good faith" where it is in fact done honestly, whether it is done negligently or not:

"Government." (*21*) "Government" or "the Government" shall include the Local Government as well as the Government of India:

"Government of India." (*22*) "Government of India" shall mean the Governor General in Council or, during the absence of the Governor General from his Council, the President in Council, or the Governor General alone, as regards the powers which may be lawfully exercised by them or him respectively:

"Her Majesty" or "the Queen." (*23*) "Her Majesty" or "the Queen" shall include Her successors:

"High Court." (*24*) "High Court," used with reference to civil proceedings, shall mean the highest Civil Court of appeal in the part of British India in which the Act or Regulation containing the expression operates:

"Immoveable property." (*25*) "immoveable property" shall include land, benefits to arise out of land, and things attached to the earth, or permanently fastened to anything attached to the earth:

"Imprisonment." (*26*) "imprisonment" shall mean imprisonment of either description as defined in the Indian Penal Code: XLV of 1860.

"India." (*27*) "India" shall mean British India, together with any territories of any Native Prince or Chief under the suzerainty of Her Majesty exercised through the Governor General of India or through any Governor or other officer subordinate to the Governor General of India:

"Local authority." (*28*) "local authority" shall mean a municipal committee, district board, body of port commissioners

commissioners or other authority legally entitled to, or entrusted by the Government with, the control or management of a municipal or local fund:

(*29*) "Local Government" shall mean the person authorized by law to administer executive government in the part of British India in which the Act or Regulation containing the expression operates, and shall include a Chief Commissioner: "Local Government."

(*30*) "Madras Act" shall mean an Act made by the Governor of Fort St. George in Council under the Indian Councils Acts, 1861 and 1892: "Madras Act."

24 & 25 Vict., c. 67; 55 & 56 Vict., c. 14.

(*31*) "Magistrate" shall include every person exercising all or any of the powers of a Magistrate under the Code of Criminal Procedure for the time being in force: "Magistrate."

X of 1882.

(*32*) "master," used with reference to a ship, shall mean any person (except a pilot or harbour-master) having for the time being control or charge of the ship: "Master" (of a ship).

(*33*) "month" shall mean a month reckoned according to the British calendar: "Month."

(*34*) "moveable property" shall mean property of every description, except immoveable property: "Moveable property."

(*35*) "North-Western Provinces and Oudh Act" shall mean an Act made by the Lieutenant-Governor of the North-Western Provinces and Oudh in Council under the Indian Councils Acts, 1861 and 1892: "North-Western Provinces and Oudh Act."

24 & 25 Vict., c. 67; 55 & 56 Vict., c. 14.

(*36*) "oath" shall include affirmation and declaration in the case of persons by law allowed to affirm or declare instead of swearing: "Oath."

(*37*) "offence" shall mean any act or omission made "Offence."

made punishable by any law for the time being in force:

"Part" (*38*) "Part" shall mean a Part of the Act or Regulation in which the word occurs:

"Person (*39*) "person" shall include any company or association or body of individuals, whether incorporated or not:

"Political Agent." (*40*) "Political Agent" shall include—

(*a*) the principal officer representing the Government in any territory or place beyond the limits of British India, and

(*b*) any officer of the Government of India or of any Local Government appointed by the Government of India or the Local Government to exercise all or any of the powers of a Political Agent for any place not forming part of British India under the law for the time being in force relating to foreign jurisdiction and extradition:

"Presidency town." (*41*) "Presidency-town" shall mean the local limits for the time being of the ordinary original civil jurisdiction of the High Court of Judicature at Fort William, Madras or Bombay, as the case may be:

"Privy Council." (*42*) "Privy Council" shall mean the Lords and others for the time being of Her Majesty's Most Honourable Privy Council:

"Province." (*43*) "Province" shall mean the territories for the time being administered by any Local Government:

"Public nuisance." (*44*) "public nuisance" shall mean a public nuisance as defined in the Indian Penal Code: XLV of 1860.

"Registered." (*45*) "registered" used with reference to a document, shall mean registered in British India under the law for the time being in force for the registration of documents:

(*46*) "Regulation"

(*46*) "Regulation" shall mean a Regulation made under the Government of India Act, 1870: "Regulation."

33 Viet., c. 3.

(*47*) "rule" shall mean a rule made in exercise of a power conferred by any enactment, and shall include a regulation made as a rule under any enactment: "Rule."

(*48*) "schedule" shall mean a schedule to the Act or Regulation in which the word occurs: "Schedule."

(*49*) "Scheduled District" shall mean a "Scheduled District" as defined in the Scheduled Districts Act, 1874: "Scheduled District."

XIV of 1874.

(*50*) "section" shall mean a section of the Act or Regulation in which the word occurs: "Section."

(*51*) "ship" shall include every description of vessel used in navigation not exclusively propelled by oars: "Ship."

(*52*) "sign," with its grammatical variations and cognate expressions, shall, with reference to a person who is unable to write his name, include "mark," with its grammatical variations and cognate expressions: "Sign."

(*53*) "son," in the case of any one whose personal law permits adoption, shall include an adopted son: "Son."

(*54*) "sub-section" shall mean a sub-section of the section in which the word occurs: "Sub-section."

(*55*) "swear" with its grammatical variations and cognate expressions, shall include affirming and declaring in the case of persons by law allowed to affirm or declare instead of swearing: "Swear."

(*56*) "vessel" shall include any ship or boat or any other description of vessel used in navigation: "Vessel."

(*57*) "will"

(*General Definitions.—Section 4. General Rules of Construction.—Section 5.*)

"Will." (57) "will" shall include a codicil and every writing making a voluntary posthumous disposition of property:

"Writing." (58) expressions referring to "writing" shall be construed as including references to printing, lithography, photography and other modes of representing or reproducing words in a visible form: and

"Year." (59) "year" shall mean a year reckoned according to the British calendar.

Application of foregoing definitions to previous enactments.

4. (*1*) The definitions in section 3 of the following words and expressions, that is to say, "affidavit," "barrister," "British India," "District Judge," "father," "Government of India," "Her Majesty" or "the Queen," "High Court," "immoveable property," "imprisonment," "Local Government," "Magistrate," "month," "moveable property," "oath," "person," "section," "son," "swear," "will" and "year" apply also, unless there is anything repugnant in the subject or context, to all Acts of the Governor General in Council made after the third day of January, 1868, and to all Regulations made on or after the fourteenth day of January, 1887.

(*2*) The definitions in the said section of the following words and expressions, that is to say, "abet," "Chapter," "commencement," "financial year," "local authority," "master," "offence," "Part," "public nuisance," "registered," "schedule," "ship," "sign," "sub-section" and "writing," apply also, unless there is anything repugnant in the subject or context, to all Acts of the Governor General in Council and Regulations made on or after the fourteenth day of January, 1887.

General Rules of Construction.

Coming into operation of enactments.

5. (*1*) Where any Act of the Governor General in Council is not expressed to come into operation on a particular day, then it shall come into operation

on

on the day on which it receives the assent of the Governor General.

24 & 25 Vict., c. 67.

(*2*) Where any Act of the Governor General in Council is reserved under the Indian Councils Act, 1861, section 20, for the signification of Her Majesty's pleasure thereon, then, if no later date is expressed, it shall come into operation, if assented to by Her Majesty, on the day on which the assent of Her Majesty is duly proclaimed.

(*3*) Unless the contrary is expressed, an Act of the Governor General in Council or Regulation shall be construed as coming into operation immediately on the expiration of the day preceding its commencement.

Effect of repeal.

6. Where this Act, or any Act of the Governor General in Council or Regulation made after the commencement of this Act, repeals any enactment hitherto made or hereafter to be made, then, unless a different intention appears, the repeal shall not—

(*a*) revive anything not in force or existing at the time at which the repeal takes effect; or

(*b*) affect the previous operation of any enactment so repealed or anything duly done or suffered thereunder; or

(*c*) affect any right, privilege, obligation or liability acquired, accrued or incurred under any enactment so repealed; or

(*d*) affect any penalty, forfeiture or punishment incurred in respect of any offence committed against any enactment so repealed; or

(*e*) affect any investigation, legal proceeding or remedy in respect of any such right, privilege, obligation, liability, penalty, forfeiture or punishment as aforesaid;

and any such investigation, legal proceeding or remedy may be instituted, continued or enforced, and

and any such penalty, forfeiture or punishment may be imposed as if the repealing Act or Regulation had not been passed.

Revival of repealed enactments.

7. (*1*) In any Act of the Governor General in Council or Regulation made after the commencement of this Act, it shall be necessary, for the purpose of reviving, either wholly or partially, any enactment wholly or partially repealed, expressly to state that purpose.

(*2*) This section applies also to all Acts of the Governor General in Council made after the third day of January, 1868, and to all Regulations made on or after the fourteenth day of January, 1887.

Construction of references to repealed enactments.

8. (*1*) Where this Act, or any Act of the Governor General in Council or Regulation made after the commencement of this Act, repeals and re-enacts, with or without modification, any provision of a former enactment, then references in any other enactment or in any instrument to the provision so repealed shall, unless a different intention appears, be construed as references to the provision so re-enacted.

Commencement and termination of time.

9. (*1*) In any Act of the Governor General in Council or Regulation made after the commencement of this Act, it shall be sufficient, for the purpose of excluding the first in a series of days or any other period of time, to use the word "from," and, for the purpose of including the last in a series of days or any other period of time, to use the word "to."

(*2*) This section applies also to all Acts of the Governor General in Council made after the third day of January, 1868, and to all Regulations made on or after the fourteenth day of January, 1887.

Computation of time.

10. (*1*) Where, by any Act of the Governor General in Council or Regulation made after the commencement of this Act, any act or proceeding is directed or allowed to be done or taken in any Court or office on a certain day or within a prescribed period, then, if the Court or office is closed on that day or the

the last day of the prescribed period, the act or proceeding shall be considered as done or taken in due time if it is done or taken on the next day afterwards on which the Court or office is open :

Provided that nothing in this section shall apply to any act or proceeding to which the Indian Limitation Act, 1877, applies.

XV of 1877.

(*2*) This section applies also to all Acts of the Governor General in Council and Regulations made on or after the fourteenth day of January, 1887.

Measurement of distances.

11. In the measurement of any distance, for the purposes of any Act of the Governor General in Council or Regulation made after the commencement of this Act, that distance shall, unless a different intention appears, be measured in a straight line on a horizontal plane.

Duty to be taken *pro ratâ* in enactments.

12. Where, by any enactment now in force or hereafter to be in force, any duty of customs or excise, or in the nature thereof, is leviable on any given quantity, by weight, measure or value of any goods or merchandize, then a like duty is leviable according to the same rate on any greater or less quantity.

Gender and number.

13. In all Acts of the Governor General in Council and Regulations, unless there is anything repugnant in the subject or context,—

(*1*) words importing the masculine gender shall be taken to include females ; and

(*2*) words in the singular shall include the plural, and *vice versâ*.

Powers and Functionaries.

Powers conferred on the Government to be exercisable from time to time.

14. (*1*) Where, by any Act of the Governor General in Council or Regulation made after the commencement of this Act, any power is conferred on the Government, then that power may be exercised from time to time as occasion requires.

(*2*) This

(*2*) This section applies also to all Acts of the Governor General in Council and Regulations made on or after the fourteenth day of January, 1887.

Power to appoint to include power to appoint *ex officio*.

15. Where, by any Act of the Governor General in Council or Regulation, a power to appoint any person to fill any office or execute any function is conferred, then, unless it is otherwise expressly provided, any such appointment, if it is made after the commencement of this Act, may be made either by name or by virtue of office.

Power to appoint to include power to suspend or dismiss.

16. Where, by any Act of the Governor General in Council or Regulation, a power to make any appointment is conferred, then, unless a different intention appears, the authority having power to make the appointment shall also have power to suspend or dismiss any person appointed by it in exercise of that power.

Substitution of functionaries.

17. (*1*) In any Act of the Governor General in Council or Regulation made after the commencement of this Act, it shall be sufficient, for the purpose of indicating the application of a law to every person or number of persons for the time being executing the functions of an office, to mention the official title of the officer at present executing the functions, or that of the officer by whom the functions are commonly executed.

(*2*) This section applies also to all Acts of the Governor General in Council made after the third day of January, 1868, and to all Regulations made on or after the fourteenth day of January, 1887.

Successors.

18. (*1*) In any Act of the Governor General in Council or Regulation made after the commencement of this Act, it shall be sufficient, for the purpose of indicating the relation of a law to the successors of any functionaries or of corporations having perpetual succession, to express its relation to the functionaries or corporations.

(*2*) This

(Powers and Functionaries.—Section 19. Provisions as to Orders, Rules, etc., made under Enactments.—Sections 20-22.)

(*2*) This section applies also to all Acts of the Governor General in Council made after the third day of January, 1868, and to all Regulations made on or after the fourteenth day of January, 1887.

Official chiefs and subordinates.

19. (*1*) In any Act of the Governor General in Council or Regulation made after the commencement of this Act, it shall be sufficient, for the purpose of expressing that a law relative to the chief or superior of an office shall apply to the deputies or subordinates lawfully performing the duties of that office in the place of their superior, to prescribe the duty of the superior.

(*2*) This section applies also to all Acts of the Governor General in Council made after the third day of January, 1868, and to all Regulations made on or after the fourteenth day of January, 1887.

Provisions as to Orders, Rules, etc., made under Enactments.

Construction of orders, etc., issued under enactments.

20. Where, by any Act of the Governor General in Council or Regulation, a power to issue any order, scheme, rule, form or bye-law is conferred, then expressions used in the order, scheme, rule, form or bye-law, if it is made after the commencement of this Act, shall, unless there is anything repugnant in the subject or context, have the same respective meanings as in the Act or Regulation conferring the power.

Power to make, to include power to add to, amend, vary or rescind, orders, rules or bye-laws.

21. Where, by any Act of the Governor General in Council or Regulation, a power to make orders, rules or bye-laws is conferred, then that power includes a power, exercisable in the like manner and subject to the like sanction and conditions (if any), to add to, amend, vary or rescind any orders, rules or bye-laws so made.

Making of rules or bye-laws and issuing of orders between passing

22. Where, by any Act of the Governor General in Council or Regulation which is not to come into force immediately on the passing thereof, a power is conferred to make rules or bye-laws, or to issue orders with

and commencement of enactment.

with respect to the application of the Act or Regulation, or with respect to the establishment of any Court or office or the appointment of any Judge or officer thereunder, or with respect to the person by whom, or the time when, or the place where, or the manner in which, or the fees for which, anything is to be done under the Act or Regulation, then that power may be exercised at any time after the passing of the Act or Regulation; but rules, bye-laws or orders so made or issued shall not take effect till the commencement of the Act or Regulation.

Provisions applicable to making of rules or bye-laws after previous publication.

23. Where, by any Act of the Governor General in Council or Regulation, a power to make rules or bye-laws is expressed to be given subject to the condition of the rules or bye-laws being made after previous publication, then the following provisions shall apply, namely :—

(*1*) the authority having power to make the rules or bye-laws shall, before making them, publish a draft of the proposed rules or bye-laws for the information of persons likely to be affected thereby :

(*2*) the publication shall be made in such manner as that authority deems to be sufficient, or, if the condition with respect to previous publication so requires, in such manner as the Governor General in Council or the Local Government prescribes;

(*3*) there shall be published with the draft a notice specifying a date on or after which the draft will be taken into consideration;

(*4*) the authority having power to make the rules or bye-laws, and, where the rules or bye-laws are to be made with the sanction, approval or concurrence of another authority, that authority also, shall consider any objection or suggestion which may be received by the authority having power to make the rules

or

(Provisions as to Orders, Rules, etc., made under Enactments.—Section 24. Miscellaneous.—Sections 25-27.)

or bye-laws from any person with respect to the draft before the date so specified;

(5) the publication in the Gazette of a rule or bye-law purporting to have been made in exercise of a power to make rules or bye-laws after previous publication shall be conclusive proof that the rule or bye-law has been duly made.

Continuation of orders, etc., issued under enactments repealed and re-enacted.

24. Where any Act of the Governor General in Council or Regulation is, after the commencement of this Act, repealed and re-enacted with or without modification, then, unless it is otherwise expressly provided, any order, scheme, rule, form or bye-law, issued under the repealed Act or Regulation, shall, so far as it is not inconsistent with the provisions re-enacted, continue in force, and be deemed to have been issued under the provisions so re-enacted, unless and until it is superseded by any order, scheme, rule, form or bye-law issued under the provisions so re-enacted.

Miscellaneous.

Recovery of fines.

XLV of 1860.

25. Sections 63 to 70 of the Indian Penal Code and the provisions of the Code of Criminal Procedure for the time being in force in relation to the issue and the execution of warrants for the levy of fines shall apply to all fines imposed under any Act, Regulation, rule or bye-law, unless the Act, Regulation, rule or bye-law contains an express provision to the contrary.

Provision as to offences punishable under two or more enactments.

26. Where an act or omission constitutes an offence under two or more enactments, then the offender shall be liable to be prosecuted and punished under either or any of those enactments, but shall not be liable to be punished twice for the same offence.

Meaning of service by post.

27. Where any Act of the Governor General in Council or Regulation made after the commencement of this Act authorizes or requires any document to be

be served by post, whether the expression "serve" or either of the expressions "give" or "send" or any other expression is used, then, unless a different intention appears, the service shall be deemed to be effected by properly addressing, pre-paying and posting by registered post, a letter containing the document, and, unless the contrary is proved, to have been effected at the time at which the letter would be delivered in the ordinary course of post.

Citation of enactments.

28. (*1*) In any Act of the Governor General in Council or Regulation, and in any rule, bye-law, instrument or document, made under, or with reference to, any such Act or Regulation, any enactment may be cited by reference to the title or short title (if any) conferred thereon or by reference to the number and year thereof, and any provision in an enactment may be cited by reference to the section or sub-section of the enactment in which the provision is contained.

(*2*) In this Act and in any Act of the Governor General in Council or Regulation made after the commencement of this Act, a description or citation of a portion of another enactment shall, unless a different intention appears, be construed as including the word, section or other part mentioned or referred to as forming the beginning and as forming the end of the portion comprised in the description or citation.

Saving for previous enactments, rules and bye-laws.

29. The provisions of this Act respecting the construction of Acts, Regulations, rules or bye-laws made after the commencement of this Act shall not affect the construction of any Act, Regulation, rule or bye-law made before the commencement of this Act, although the Act, Regulation, rule or bye-law is continued or amended by an Act, Regulation, rule or bye-law made after the commencement of this Act.

THE SCHEDULE.

THE SCHEDULE.

ENACTMENTS REPEALED.

(*See section 2.*)

Year.	No.	Title or subject.	Extent of repeal.
1868	I	The General Clauses Act, 1868.	The whole.
1872	I	The Indian Evidence Act, 1872.	So much as relates to Act I of 1868.
1887	I	The General Clauses Act, 1887.	The whole.
1891	XII	The Repealing and Amending Act, 1891.	So much as relates to Act I of 1868.

ACT No. XI OF 1897.

PASSED BY THE GOVERNOR GENERAL OF INDIA IN COUNCIL.

(*Received the assent of the Governor General on the 19th March, 1897.*)

An Act to facilitate the introduction as legal tender in Bhopal of current silver coin of the Government of India.

WHEREAS Her Highness the Begam of Bhopal has, with the concurrence of the Governor General in Council, decided that the current silver coin of the Government of India shall, with effect from a date to be hereafter fixed, be the only silver coin legally current in Bhopal;

And whereas Her Highness the Begam of Bhopal has agreed to receive from the Governor General in Council current silver coin of the Government of India in exchange for Bhopali rupees at an agreed rate;

And whereas it is expedient to facilitate the carrying out of the arrangements aforesaid;

It is hereby enacted as follows:—

Short title and commencement.

1. (*1*) This Act may be called the Bhopal Coinage Act, 1897; and

(*2*) It shall come into force at once.

Power to supply in exchange for Bhopali rupees rupees from the reserve retained under section 19, Act XX, 1882.

2. Notwithstanding anything contained in the Indian Paper Currency Act, 1882, the Head Commissioner of Paper Currency may, for the purpose of exchange for Bhopali rupees at the agreed rate, supply to Her Highness the Begam of Bhopal rupees of the Government of India, to an amount not exceeding fifteen millions, from the coin retained and secured as a reserve to pay currency notes under section 19 of the said Act: XX of 1882.

Provided that the Bhopali rupees received in exchange for the said rupees of the Government of India

India shall be remitted as soon as convenient to the custody of the said Head Commissioner, and that current silver coin of the Government of India shall, as soon as may be, be coined to the extent necessary to replace the amount of rupees supplied from the reserve as aforesaid, and that the amount so coined shall be retained and secured in the said reserve.

Duration of Act.

3. This Act shall continue in force for six months from the date of the first supply of rupees under the powers above conferred.

ACT No. XII OF 1897.

PASSED BY THE GOVERNOR GENERAL OF INDIA IN COUNCIL.

(Received the assent of the Governor General on the 26th March, 1897.)

An Act to enable local authorities to borrow money for temporary emergencies.

WHEREAS it is expedient to enable local authorities to borrow money for temporary emergencies; It is hereby enacted as follows:—

Short title, extent and commencement.

1. (*1*) This Act may be called the Local Authorities (Emergency) Loans Act, 1897.

(*2*) It extends to the whole of British India; and

(*3*) It shall come into force at once.

Power to local authorities to borrow in cases of famine or epidemic disease.

XI of 1879.

2. (*1*) Notwithstanding anything contained in the Local Authorities Loan Act, 1879, or in any other law for the time being in force, a local authority as defined in that Act may, with the previous sanction of the Governor General in Council, borrow money on the security of its funds for any of the following purposes, namely:—

(*a*) the giving of relief and the establishment and maintenance of relief-works in time of famine or scarcity;

(*b*) the prevention of the outbreak or spread of any dangerous epidemic disease; and

(*c*) any measures which may be connected with, or ancillary to, any of the purposes aforesaid.

(*2*) Nothing in this section shall be deemed to authorize any local authority to borrow or spend money for any purpose for which under the law for the

the time being in force it is not authorized to apply its funds.

Power to Governor General in Council to impose conditions.

3. (*1*) Every loan under the last foregoing section shall be made subject to such terms and conditions as the Governor General in Council may think fit to impose.

(*2*) In particular, and without prejudice to the generality of the provisions of sub-section (*1*), the Governor General in Council may, by general or special order, prescribe—

(*a*) the terms on which the Governor General in Council or the Local Government may lend money under this Act;

(*b*) the manner of recording and enforcing the conditions on which such loans are to be made;

(*c*) the inspection of any works carried out or expenditure incurred by means of such loans;

(*d*) the instalments by which such loans are to be repaid, the interest to be charged thereon and the manner and time of repaying such loans and of paying the interest thereon; and

(*e*) the accounts to be kept in respect of such loans.

Application of sections 6 and 7, Act XI, 1879.

4. The provisions of sections 6 and 7 of the Local Authorities Loan Act, 1879, shall apply to the borrowing of money under this Act. XI of 1879.

Application to loans made before commencement of Act.

5. The provisions of this Act shall apply to any loan made after the first day of January, 1897, and before the commencement of this Act by, or with the sanction of, the Governor General in Council to any local authority for any of the purposes hereinbefore mentioned, and every such loan shall be deemed to have been made under this Act.

ACT No. XIII OF 1897.

PASSED BY THE GOVERNOR GENERAL OF INDIA IN COUNCIL.

(*Received the assent of the Governor General on the 26th March, 1897.*)

An Act to amend the Indian Stamp Act, 1879.

WHEREAS it is expedient to amend the Indian Stamp Act, 1879; It is hereby enacted as follows:— I of 1879.

Addition of new section after section 7A, Act I, 1879.

1. After section 7A of the Indian Stamp Act, 1879, as amended by Act No. VI of 1894, section 2, the following section shall be added, namely:— I of 1879.

Bonds, debentures or other certificates issued on loans under Act XI, 1879.

"7B. (*1*) Notwithstanding anything in this Act, any local authority raising a loan under the provisions of the Local Authorities Loan Act, 1879, or of any other law for the time being in force, by the issue of bonds, debentures or other certificates, shall, in respect of such loan, be chargeable with a duty of eight annas per centum on the total amount of the bonds, debentures or other certificates issued by it, and such bonds, debentures or other certificates need not be stamped and shall not be chargeable with any further duty on renewal, consolidation, sub-division or otherwise. XI of 1879.

"(*2*) The provisions of sub-section (*1*) exempting certain bonds, debentures or other certificates from being stamped and from being chargeable with certain further duty shall apply to the bonds, debentures or other certificates of all outstanding loans of the kind mentioned therein, and all such bonds, debentures or other certificates shall be valid, whether the same are stamped or not:

"Provided that nothing herein contained shall exempt the local authority which has issued such

bonds,

bonds, debentures or other certificates from the duty chargeable in respect thereof prior to the twenty-sixth day of March, 1897, when such duty has not already been paid or remitted by order issued under this Act."

Amendment of No. 39 in Schedule I, Act I of 1879.

2. In Schedule I, No. 39, of the said Act, after the heading "Lease" in the first column, the words "including an under-lease or sub-lease" shall be added.

Amendment of No. 60 and addition of new No. 60A in Schedule I, Act I of 1879.

3. In Schedule I, No. 60, of the said Act, the word "Lease" wherever it occurs, is hereby repealed; and after the said No. 60 the following shall be added, namely :—

"60A.	**TRANSFER OF LEASE** by way of assignment and not by way of under-lease.	The same duty as a Conveyance (No. 21)."

ACT No. XIV OF 1897.

PASSED BY THE GOVERNOR GENERAL OF INDIA IN COUNCIL.

(*Received the assent of the Governor-General on the 22nd July, 1897.*)

An Act to facilitate the citation of certain Acts.

WHEREAS it is expedient to facilitate the citation of certain Acts; It is hereby enacted as follows:

Title and commencement.

1. (*1*) This Act may be called the Indian Short Titles Act, 1897; and

(2) It shall come into force at once.

Citation of Acts described in schedule.

2. Each of the Acts described in the first three columns of the schedule may, without prejudice to any other mode of citation, be cited for all purposes by the short title mentioned in that behalf in the fourth column thereof.

THE SCHEDULE.

THE SCHEDULE.

1	2	3	4
Year.	No.	Subject.	Short Title.
1834	II	Authorizing Secretaries to Government to exercise powers of Chief Secretaries.	The Secretaries to Government Act, 1834.
1837	IV	Empowering all subjects of Her Majesty to hold land.	The Property in Land Act, 1837.
1838	XXV	Wills	The Wills Act, 1838.
1839	XXIX	Amending the Law relating to Dower .	The Dower Act, 1839.
,,	XXX	Amending the Law of Inheritance . .	The Inheritance Act, 1839.
,,	XXXII	Concerning the allowance of Interest in certain cases.	The Interest Act, 1839.
1841	X	Prescribing the Rules to be observed in order that ships or vessels belonging to ports within the territories under the Government of the East India Company, or belonging to Native Princes or States or their subjects, may become entitled to the privileges of British ships under a proclamation of the Governor General of India in Council made in pursuance of the Statute 3rd and 4th Victoria, ch. 56.	The Indian Registration of Ships Act, 1841.
,,	XIX	Providing for the protection of moveable and immoveable property against wrongful possession in cases of succession.	The Succession (Property Protection) Act, 1841.
,,	XXIV	Providing for the greater uniformity of the Law administered by Her Majesty's Supreme Courts with that administered in England in regard to the undisposed residue of the effects of Testators, Illusory Appointments, the transfer of Estates by persons under disabilities pursuant to the direction of Courts, and the better management of the property of such persons and other like matters.	The Illusory Appointments and Infants' Property Act, 1841.
,,	XXVII	Providing for the appropriation of the unclaimed Dividends on Insolvent Estates.	The Insolvent Estates (Unclaimed Dividends) Act, 1841.
1843	V	Declaring and amending the Law regarding the condition of Slavery within the territories of the East India Company.	The Indian Slavery Act, 1843.

THE SCHEDULE—*contd.*

1	2	3	4
Year.	No.	Subject.	Short Title.
1846	I	Amending the Law regarding the appointment and remuneration of Pleaders in the Courts of the East India Company.	The Legal Practitioners Act, 1846.
1847	XX	Providing for the encouragement of learning in the territories subject to the Government of the East India Company by defining and providing for the enforcement of the right called Copyright therein.	The Indian Copyright Act, 1847.
1848	XV	Forbidding trading by the Officers of the Supreme Courts.	The Supreme Courts' Officers Trading Act, 1848.
1850	V	Providing for freedom of the Coasting Trade of India.	The Indian Coasting Trade Act, 1850.
„	XI	Amending Act X, 1841	The Indian Registration of Ships Act (1841) Amendment Act, 1850.
„	XII	Providing for avoiding loss by the default of Public Accountants.	The Public Accountants' Defaults Act, 1850.
„	XVIII	Providing for the protection of Judicial Officers.	The Judicial Officers Protection Act, 1850.
„	XIX	Concerning the binding of Apprentices .	The Apprentices Act, 1850.
„	XXI	Extending the principle of section 9, Regulation VIII, 1832, of the Bengal Code throughout the territories subject to the Government of the East India Company.	The Caste Disabilities Removal Act, 1850.
„	XXXIV	Providing for the better Custody of State Prisoners.	The State Prisoners Act, 1850.
1851	VIII	Enabling Government to levy Tolls on Public Roads and Bridges.	The Indian Tolls Act, 1851.
1852	VIII	Providing for the remuneration of the Sheriffs of Calcutta, Madras and Bombay for the execution of Mufassal Process under the Code of Criminal Procedure, 1882, and the Code of Civil Procedure.	The Sheriffs' Fees Act, 1852.
„	XXX	Providing for the Naturalisation of Aliens	The Indian Naturalisation Act, 1852.

THE SCHEDULE—*contd.*

1	2	3	4
Year.	No.	Subject.	Short Title.
1853	II	Removing doubts as to the liability of all subjects of Her Majesty to the same jurisdiction as Natives in respect of public and Police duties and public charges incident to the holders of land or their local Agents or Managers.	The Landholders' Public Charges and Duties Act, 1853.
„	XX	Amending the Law relating to Pleaders in the Courts of the East India Company.	The Legal Practitioners Act, 1853.
1854	XXXI	Simplifying the modes of conveying land in cases to which the English Law is applicable.	The Conveyance of Land Act, 1854.
1855	XI	Relating to mesne profits and to improvements made by holders under defective titles in cases to which the English Law is applicable.	The Mesne Profits and Improvements Act, 1855.
„	XII	Enabling Executors, Administrators or Representatives to sue and be sued for certain wrongs.	The Legal Representatives Suits Act, 1855.
„	XIII	Providing compensation to families for loss occasioned by the death of a person caused by actionable wrong.	The Indian Fatal Accidents Act, 1855.
„	XXIII	Amending the Law relating to the administration of the Estates of deceased persons charged with money by way of mortgage.	The Mortgaged Estates Administration Act, 1855.
„	XXIV	Substituting penal servitude for the punishment of transportation in respect of European and American Convicts.	The Penal Servitude Act, 1855.
„	XXVIII	Repealing the Usury Laws . . .	The Usury Laws Repeal Act, 1855.
1856	IX	Amending the Law relating to Bills of Lading.	The Indian Bills of Lading Act, 1856.
„	XI	Providing for the better prevention of desertion by European Soldiers from the Land Forces of Her Majesty in India.	The European Deserters Act, 1856.
„	XV	Removing all legal obstacles to the marriage of Hindu Widows.	The Hindu Widows' Remarriage Act, 1856.

THE SCHEDULE—*contd.*

1	2	3	4
Year.	No.	Subject.	Short Title.
1857	II	Providing for the establishment and incorporation of a University at Calcutta.	The Calcutta University Act, 1857.
„	XI	Providing for the prevention, trial and punishment of offences against the State.	The State Offences Act, 1857.
„	XXII	Providing for the establishment and incorporation of a University at Bombay.	The Bombay University Act, 1857.
„	XXV	Providing for the adjudication and recovery of forfeitures of property in certain cases.	The Forfeiture Act, 1857.
„	XXVII	Providing for the establishment and incorporation of a University at Madras.	The Madras University Act, 1857.
1858	III	Amending the Law relating to the arrest and detention of State Prisoners.	The State Prisoners Act, 1858.
„	XXXIV	Regulating proceedings in Lunacy in the Courts of Judicature established by Royal Charter.	The Lunacy (Supreme Courts) Act, 1858.
„	XXXV	Making better provision for the care of the Estates of Lunatics not subject to the jurisdiction of the Supreme Courts of Judicature.	The Lunacy (District Courts) Act, 1858.
„	XXXVI	Lunatic Asylums	The Indian Lunatic Asylums Act, 1858.
1859	I	Amending the Law relating to Merchant Seamen.	The Indian Merchant Shipping Act, 1859.
„	IX	Providing for the adjudication of claims to property seized or forfeited.	The Forfeiture Act, 1859.
„	XIII	Providing for the punishment of breaches of contract by Artificers, Workmen and Labourers in certain cases.	The Workman's Breach of Contract Act, 1859.
1860	IX	Making provision for the speedy determination of certain disputes between workmen engaged in railway and other public works and their employers.	The Employers and Workmen (Disputes) Act, 1860.
„	XXI	Providing for the Registration of Literary, Scientific and Charitable Societies.	The Societies Registration Act, 1860.

THE SCHEDULE—*contd.*

1	2	3	4
Year.	No.	Subject.	Short Title.
1860	XXXIV	Indemnifying Officers of Government and other persons in respect of fines and contributions levied, and acts done, by them during the late disturbances.	The Government Officers' Indemnity Act, 1860.
„	XLVII	Giving to the Universities of Calcutta, Madras and Bombay the power of conferring degrees in addition to those mentioned in Acts II, XXII and XXVII of 1857.	The Indian Universities (Degrees) Act, 1860.
1861	V	Providing for the Regulation of Police .	The Police Act, 1861.
„	XVI	Providing for the licensing and regulation of Stage-Carriages.	The Stage-Carriages Act, 1861.
1862	III	Amending the Law relating to the use of a Government Seal.	The Government Seal Act, 1862.
1863	XVI	Making special provision for the levy of the Excise-duty payable on Spirits used exclusively in Arts and Manufactures or in Chemistry.	The Excise (Spirits) Act, 1863.
„	XX	Enabling the Government to divest itself of the management of Religious Endowments.	The Religious Endowments Act, 1863.
„	XXIII	Providing for the adjudication of claims to waste lands.	The Waste Lands (Claims) Act, 1863.
„	XXXI	Giving effect to the publication of certain orders and other matters in the *Gazette of India*.	The Official Gazettes Act, 1863.
1864	III	Giving the Government certain powers with respect to Foreigners.	The Foreigners Act, 1864.
„	VI	Authorizing the punishment of whipping in certain cases.	The Whipping Act, 1864.
„	XV	Amending Act VIII of 1851 (*for enabling Government to levy Tolls on Public Roads and Bridges*).	The Indian Tolls Act, 1864.
„	XVII	Providing for the constitution of an Office of Official Trustee.	The Official Trustees Act, 1864.

THE SCHEDULE—*contd.*

1	2	3	4
Year.	No.	Subject.	Short Title.
1865	XXI	Defining and amending the Law relating to Intestate Succession among the Parsis.	The Parsi Intestate Succession Act, 1865.
1866	V	Amending in certain respects the Commercial Law of British India.	The Policies of Insurance (Marine and Fire) Assignment Act, 1866.
„	XXV	Providing for the transfer to the Government of India of certain securities and moneys deposited in the High Courts of Judicature at Fort William, Madras and Bombay.	The Unclaimed Deposits Act, 1866.
1867	XVI	Authorizing the making of certain acting appointments to certain Judicial Offices.	The Acting Judges Act, 1867.
„	XXV	Providing for the regulation of Printing-presses and Newspapers, for the preservation of copies of books printed in British India, and for the registration of such books.	The Press and Registration of Books Act, 1867.
1870	I	Providing Rules relating to Quarantine .	The Indian Quarantine Act, 1870.
„	V	Enabling the High Courts at the Presidency-towns to deal with costs of petitions for certain moneys transferred to Government.	The Unclaimed Deposits Act, 1870.
„	VIII	Providing for the prevention of the murder of Female Infants.	The Female Infanticide Prevention Act, 1870.
„	XX	Correcting two clerical errors in the Court-fees Act, 1870.	The Court-fees Act (1870) Amendment Act, 1870.
„	XXVII	Amending the Indian Penal Code . .	The Indian Penal Code Amendment Act, 1870.
1872	III	Providing a form of Marriage for persons who do not profess the Christian, Jewish Hindu, Muhammadan, Parsi, Buddhist, Sikh or Jaina religion.	The Special Marriage Act, 1872.
„	XIX	Amending the definition of "Coin" in the Indian Penal Code.	The Indian Penal Code Amendment Act, 1872.
1875	V	Removing doubts as to the rights and liabilities of certain native soldiers.	The Unattested Sepoys Act, 1875.

THE SCHEDULE—*contd.*

1	2	3	4
Year.	No.	Subject.	Short Title.
1875	X	Regulating the Procedure of the High Courts in the exercise of their original criminal jurisdiction.	The Advocate General's (Powers) Act, 1875.
"	XIII	Amending the Law relating to Probates and Letters of Administration.	The Probate and Administration Act, 1875.
1876	XVI	Amending the Stage-Carriages Act . .	The Stage-Carriages Act (1861) Amendment Act, 1876.
1877	II	Amending Act XIII of 1875 . . .	The Probate and Administration Act, 1877.
"	IV	Regulating the procedure and increasing the jurisdiction of the Courts of Magistrates in the Presidency-towns.	The Presidency Magistrates (Court-fees) Act, 1877.
1879	XII	Amending the Registration Act, 1877, and the Limitation Act, 1877.	The Registration and Limitation Acts Amendment Act, 1879.
1882	VIII	Amending the Indian Penal Code . .	The Indian Penal Code Amendment Act, 1882.
1883	II	Amending the Elephants Preservation Act, 1879.	The Elephants Preservation Act (1879) Amendment Act, 1883.
1884	I	Amending the Law relating to the granting of honorary degrees by the Universities at Calcutta, Madras and Bombay.	The Indian Universities (Honorary Degrees) Act, 1884.
1885	III	Amending the Transfer of Property Act, 1882.	The Transfer of Property Act (1882) Amendment Act, 1885.
"	IX	Amending the Excise Act, 1881, the Bengal Excise Act, 1878, and the Sea Customs Act, 1878.	The Excise and Sea Customs Law Amendment Act, 1885.
"	XV	Amending the Local Authorities Loan Act, 1879.	The Local Authorities Loan Act (1879) Amendment Act, 1885.
1886	II	Imposing a tax on income derived from sources other than agriculture.	The Indian Income-tax Act, 1886.

THE SCHEDULE—*contd.*

1	2	3	4
Year.	No.	Subject.	Short Title.
1886	IV	Amending section 265 of the Indian Contract Act, 1872.	The Indian Contract Act (1872) Amendment Act, 1886.
"	X	Amending the Code of Criminal Procedure, 1882, and certain other Acts.	The Indian Criminal Law Amendment Act, 1886.
"	XVIII	Amending Act XXXVI of 1858 . .	The Indian Lunatic Asylums Act (1858) Amendment Act, 1886.
1887	II	Amending the Sea Customs Act, 1878, the Excise Act, 1881, and the Indian Tariff Act, 1882.	The Sea Customs Act (1878) Amendment Act, 1887.
"	III	Amending the Indian Evidence Act, 1872	The Indian Evidence Act (1872) Amendment Act, 1887.
"	V	Amending the Code of Criminal Procedure, 1882	The Criminal Procedure Code (1882) Amendment Act, 1887.
"	VI	Amending the Indian Companies Act, 1882.	The Indian Companies Act (1882) Amendment Act, 1887.
1888	I	Amending the Indian Stamp Act, 1879 .	The Indian Stamp Act (1879) Amendment Act, 1888.
"	II	Providing for the levy of a Customs-duty on Petroleum.	The Petroleum (Customs-duty) Act, 1888.
"	VIII	Removing doubts as to the legality of the levy of certain Tolls.	The Indian Tolls Act, 1888.
"	X	Amending the Code of Civil Procedure and the Presidency Small Cause Courts Act, 1882.	The Presidency Small Cause Courts Law Amendment Act, 1888.
"	XI	Making an addition to the Indian Telegraph Act, 1885.	The Indian Telegraph (Presidency-towns) Act, 1888.
"	XVII	Amending the Indian Marine Act, 1887 .	The Indian Marine Act (1887) Amendment Act, 1888.

THE SCHEDULE—*contd.*

1	2	3	4
Year.	No.	Subject.	Short Title.
1889	VIII	Amending the Sea Customs Act, 1878, and the Indian Tariff Act, 1882.	The Sea Customs Act (1878) Amendment Act, 1889.
„	XX	Amending Act XXXVI of 1858 . .	The Indian Lunatic Asylums Act (1858) Amendment Act, 1889.
1890	II	Amending Acts XVII of 1864, X of 1865, II of 1874 and V of 1881.	The Probate and Administration Act, 1890.
„	III	Amending Acts VI and VII of 1884. .	The Indian Steamships Law Amendment Act, 1890.
„	X	Amending Act XXV of 1867 . . .	The Press and Registration of Books Act (1867) Amendment Act, 1890.
„	XIV	Amending the Schedule to the Petroleum Act, 1886.	The Petroleum Act (1886) Amendment Act, 1890.
„	XVI	Amending the Births, Deaths and Marriages Registration Act, 1886.	The Births, Deaths and Marriages Registration Act (1886) Amendment Act, 1890.
„	XVIII	Amending the Indian Emigration Act, 1883.	The Indian Emigration Act (1883) Amendment Act, 1890.
„	XIX	Amending the Indian Salt Act, 1882	The Indian Salt Act (1882) Amendment Act, 1890.
1891	I	Amending the Cattle-trespass Act, 1871, and incorporating therein Act XVIII of 1883.	The Cattle-trespass Act (1871) Amendment Act, 1891.
„	II	Amending the Indian Christian Marriage Act, 1872.	The Indian Christian Marriage Act (1872) Amendment Act, 1891.
„	III	Amending the Indian Evidence Act, 1872, and the Code of Criminal Procedure, 1882.	The Indian Evidence Act (1872) Amendment Act, 1891.
„	IV	Amending the Code of Criminal Procedure, 1882.	The Criminal Procedure Code (1882) Amendment Act, 1891.

THE SCHEDULE—*contd.*

1	2	3	4
Year.	No.	Subject.	Short Title.
1891	V	Amending and supplementing the Indian Ports Act, 1889.	The Indian Ports Act, 1891.
„	VI	Amending certain Acts respecting Indian Merchant Shipping.	The Indian Merchant Shipping Law Amendment Act, 1891.
„	VII	Amending Act X of 1841 . . .	The Indian Registration of Ships Act (1841) Amendment Act, 1891.
„	IX	Amending the Indian Merchandise Marks Act, 1889, and the Sea Customs Act, 1878.	The Indian Merchandise Marks and Sea Customs Acts Amendment Act, 1891.
„	X	Amending the Indian Penal Code and the Code of Criminal Procedure, 1882.	The Indian Criminal Law Amendment Act, 1891.
„	XIII	Amending the Inland Steam-vessels Act, 1884.	The Inland Steam-vessels Act (1884) Amendment Act, 1891.
1892	II	Validating certain marriages solemnized under Part VI of the Indian Christian Marriage Act, 1872.	The Marriages' Validation Act, 1892.
„	VI	Amending the Indian Limitation Act, 1877, and the Code of Civil Procedure.	The Indian Limitation Act and Civil Procedure Code Amendment Act, 1892.
1893	V	Legalising in certain cases the execution within British India of capital sentences which have been passed by British Courts exercising in or with respect to territory beyond the limits of British India jurisdiction which the Governor General has in such territory.	The Foreign Jurisdiction (Capital Sentences) Act, 1893.
1894	II	Amending the Indian Ports Act, 1889 .	The Indian Ports Act (1889) Amendment Act, 1894.
„	III	Amending the Code of Criminal Procedure, 1882, and the Indian Penal Code.	The Indian Criminal Law Amendment Act, 1894.
„	VI	Amending the Indian Stamp Act, 1879, with respect to Policies of Sea and Fire Insurance and Sale-certificates.	The Indian Stamp Act (1879) Amendment Act, 1894.

THE SCHEDULE—*contd.*

1	2	3	4
Year.	No.	Subject.	Short Title.
1894	VII	Amending the Prisoners Act, 1871 . .	The Prisoners Act (1871) Amendment Act, 1894.
,,	X	Amending the Code of Criminal Procedure, 1882.	The Criminal Procedure Code (1882) Amendment Act, 1894.
1895	III	Amending the Indian Penal Code, Act VI of 1864, and the Indian Post-office Act, 1866.	The Indian Criminal Law Amendment Act, 1895.
,,	IV	Amending sections 366 and 371 of the Code of Criminal Procedure, 1882.	The Criminal Procedure Code (1882) Amendment Act, 1895.
,,	VII	Amending certain sections of the Code of Civil Procedure and the Punjab Laws Act, 1872.	The Punjab Laws Act Amendment Act, 1895.
,,	VIII	Amending Act V of 1861 (*an Act for the Regulation of Police*).	The Police Act (1861) Amendment Act, 1895.
,,	XIII	Amending sections 632 and 652 of the Code of Civil Procedure.	The Civil Procedure Code Amendment Act, 1895.
1896	I	Amending the Indian Emigration Act, 1883.	The Indian Emigration Act (1883) Amendment Act, 1896.
,,	III	Amending the Indian Tariff Act, 1894 .	The Indian Tariff Act (1894) Amendment Act, 1896.
,,	IV	Amending the Indian Ports Act, 1889 .	The Indian Ports Act (1889) Amendment Act, 1896.
,,	V	Amending the Foreign Jurisdiction and Extradition Act, 1879.	The Foreign Jurisdiction and Extradition Act (1879) Amendment Act, 1896.
,,	VI	Amending the Indian Penal Code . .	The Indian Penal Code Amendment Act, 1896.
,,	VII	Amending the Presidency Small Cause Courts Act, 1882.	The Presidency Small Cause Courts Act (1882) Amendment Act, 1896.

THE SCHEDULE—*concld.*

1	2	3	4
Year.	No.	Subject.	Short Title.
1896	IX	Amending the Indian Railways Act, 1890	The Indian Railways Act (1890) Amendment Act, 1896.
„	XI	Amending the Legal Practitioners Act, 1879.	The Legal Practitioners Act, 1896.
„	XIII	Amending the Code of Criminal Procedure, 1882.	The Criminal Procedure Code (1882) Amendment Act, 1896.
„	XV	Amending the Glanders and Farcy Act, 1879.	The Glanders and Farcy Act (1879) Amendment Act, 1896.
„	XVI	Amending the Indian Post-office Act, 1866	The Indian Post-office Act (1866) Amendment Act, 1896.
1897	I	Amending Act XXXVII of 1850 (*for regulating Inquiries into the behaviour of Public Servants*).	The Public Servants (Inquiries) Act (1850) Amendment Act, 1897.
„	XIII	Amending the Indian Stamp Act, 1879	The Indian Stamp Act (1879) Amendment Act, 1897.

ACT No. XV OF 1897.

PASSED BY THE GOVERNOR GENERAL OF INDIA IN COUNCIL.

(*Received the assent of the Governor General on the 22nd July, 1897.*)

An Act to repeal the Cantonments Act Amendment Act, 1895, and to amend the Cantonments Act, 1889.

V of 1895. XIII of 1889.

WHEREAS it is expedient to repeal the Cantonments Act Amendment Act, 1895, and to amend the Cantonments Act, 1889; It is hereby enacted as follows:

Title and commencement.

1. (*1*) This Act may be called the Cantonments Act, 1897, and

(*2*) It shall come into force at once.

Repeal of Act V of 1895.

2. The Cantonments Act Amendment Act, 1895, is hereby repealed.

Amendment of section 31 of Act XIII of 1889.

3. In section 31 of the Cantonments Act, 1889, for the words "or commanding officer" the words "or commanding, medical or other officer" shall be substituted.

ACT No. XVI OF 1897.

PASSED BY THE GOVERNOR GENERAL OF INDIA IN COUNCIL.

(Received the assent of the Governor General on the 5th November, 1897.)

An Act to amend the Oudh Courts Act, 1891.

WHEREAS it is expedient to amend the Oudh Courts Act, 1891; It is hereby enacted as follows:— XIV of 1891

Short title and commencement.

1. (*1*) This Act may be called the Oudh Courts Act (1891) Amendment Act, 1897; and

(*2*) It shall come into force at once.

Amendment of section 4, Act XIV, 1891.

2. (*1*) In section 4 of the Oudh Courts Act, 1891 (hereinafter referred to as "the said Act"), after sub-section (*1*) the following sub-section shall be inserted, namely:— XIV of 1891.

"(*2*) The Local Government, with the like sanction and in the like manner, may also appoint such person as it thinks fit to be Second Additional Judicial Commissioner, and to exercise jurisdiction, as such Second Additional Judicial Commissioner, in the said Court."

(*2*) Sub-section (*2*) of the same section shall be re-numbered as sub-section (*3*).

Substitution of new section for section 5, Act XIV, 1891.

3. For section 5 of the said Act the following section shall be substituted, namely:—

Jurisdiction of Additional Judicial Commissioner and distribution of business.

"5. (*1*) Subject to the other provisions of this Act, an Additional Judicial Commissioner shall exercise the same jurisdiction as the Judicial Commissioner may exercise under any enactment for the time being in force, but only in such cases as the Judicial Commissioner may direct.

"(*2*) The

"(2) The Judicial Commissioner may, from time to time, transfer any case with respect to which he may have directed an Additional Judicial Commissioner to exercise jurisdiction and of which the hearing before such Additional Judicial Commissioner has not commenced, for hearing and disposal to his own file or to the file of the other Additional Judicial Commissioner (if any).

"(3) Where this Act or any other enactment for the time being in force requires a case to be heard by a bench of two Judges of the Court of the Judicial Commissioner of Oudh and that Court for the time being consists of three Judges, the Judicial Commissioner shall, from time to time, determine what two Judges shall constitute such bench."

Amendment of section 6, Act XIV, 1891.

4. In section 6 of the said Act, for the word "the", where it occurs before the words "Additional Judicial Commissioner", the word "an" shall be substituted.

Amendment of section 7, Act XIV, 1891.

5. In section 7 of the said Act, sub-section (*1*) is repealed, and, in sub-section (*2*), for the first fourteen words the following shall be substituted, namely:—

"If the Court of the Judicial Commissioner of Oudh for the time being consists of only two Judges and any such case as is referred to in section 377 of the Code of Criminal Procedure, 1882,".

X of 1882.

Amendment of section 8, Act XIV, 1891.

6. In section 8 of the said Act, for the word "the", where it first occurs before the words "Additional Judicial Commissioner", the word "an" shall be substituted, and for the words "the Judicial Commissioner and the Additional Judicial Commissioner sitting together" the words "a bench consisting of two Judges of the Court of the Judicial Commissioner of Oudh" shall be substituted.

Amendment of section 9, Act XIV, 1891.

7. In section 9 of the said Act, for the word "Whenever" the following shall be substituted, namely:—

"If the Court of the Judicial Commissioner of Oudh

Oudh for the time being consists of only two Judges and".

Addition of new section after section 11, Act XIV, 1891.

8. After section 11 of the said Act the following section shall be added, namely :—

Power to make rules as to judgments, evidence and affidavits.

"12. The Judicial Commissioner may, from time to time, with the previous sanction of the Local Government, by notification in the official Gazette, make rules to provide for—

(*1*) the recording of judgments, orders and sentences;

(*2*) the taking down of the evidence of witnesses; and

(*3*) the admission of affidavits as evidence of the matters to which such affidavits relate;

and the Court of the Judicial Commissioner of Oudh shall, on the publication of any such rules, be bound thereby instead of by such parts of the Code of Criminal Procedure, 1882, and the Code of Civil Procedure, as relate to the mode of recording judgments, orders and sentences and of taking down the evidence of witnesses, and may, in accordance with such rules, permit the admission of affidavits as evidence of the matters aforesaid."

X of 1882.
XIV of 1882.

Repeal of certain other parts of Act XIV, 1891.

9. (*1*) In section 1 of the said Act, the words and figures "and (*3*) It shall come into force on the first day of April, 1891," are repealed.

(*2*) Section 2 and sub-sections (*1*) and (*2*) of section 11 of the said Act are repealed.

Government of India Central Printing Office.—No. 100 L. D.—4-1-98.—100.—R. B.

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